Washington, Wednesday, March 11, 1953

# TITLE 9-ANIMALS AND ANIMAL PRODUCTS

Chapter I-Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Amdt. 9]

PART 76-Hog Cholera, Swine Plague, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U.S. C. 123 and 125) sections 1 and 2 of the act of February 2, 1903, as amended (21 U.S. C. 111 and 120) and section 7 of the act of May 29, 1884, as amended (21 U.S. C. 117) § 76.26 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.26 Notice and quarantine. (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

Maricopa County, in Arizona; The State of California;

Hartford, Litchfield and New Haven Counties, in Connecticut; Brevard, and Orange Counties in Florida;

De Kalb County, in Georgia;

Polk County, in Iowa; Androscoggin, Cumberland, Somerset, and York Counties, in Maine; City of Baltimore, in Maryland;

Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth and Worcester Counties, in Massachusetts;

Jefferson County, in Missouri;

Bergen, Burlington, Camden, Gloucester, Hudson, Hunterdon, Middlesex, Morris and Ocean Counties, in New Jersey;
Albany and New York Counties and

Clarkstown Township, in Rockland County, ın New York;

Council Grove, Mustang, Oklahoma and Greeley Townships, in Oklahoma County, in Oklahoma:

Bucks, Butler, Delaware, Lehigh and York Counties, in Pennsylvania;

Bristol, Kent, Providence, and Wachington Counties, in Rhode Island;

Smith County, in Texas:

Pierce and Whatcom Counties, in Wachington.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition:

Essex and Union Counties, in New Jerrey; Montgomery County, in Penncylvania.

Effective date. This amendment shall become effective upon issuance. It includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Brevard County in Florida; Washington County in Rhode Island.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10538, as amended) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

St. Clair and Livingston Countles in Michigan;

-De Soto County in Mississippi; St. Louis County in Miccouri; Orange County in North Carolina; Lorain County in Ohio;

Lancaster County in Pennsylvania; Cold Spring, Hebron, Jesserson, Kechkio-nong, Oakland, Palmyra, Sullivan and Sum-ner Townships, in Jesserson County; East Troy, Lafayette, La Grange, Richmond, Spring Prairie, Sugar Creek, Troy, and Whitewater Townships, in Walworth County, in Wisconsin.

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(For use during 1953)

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Title 25 (\$0.40)

Previously announced: Title 3 (\$1.75); Title 9 (\$0.40); Titles 10-13 (\$0.40); Title 17 (\$0.35); Title 18 (\$0.35); Title 49: Parts 71 to 90 (\$0.45)

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Hereafter, none of the restrictions of the quarantiné and regulations in 9 CFR Part 76, Subpart B. as amended (17 F R. 10538, as amended), apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes, further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21

Done at Washington, D. C., this 6th day of March 1953.

TRUE D. MORSE, Acting Secretary of Agriculture.

[F. R. Doc. 53-2185; Filed, Mar. 10, 1953; 8:50 a. m.]

# Chapter II—Civil Aeronautics Administration, Department of Commerce TITLE 14—CIVIL AVIATION

Part 609—Standard Instrument Approach Procedures

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compilance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1 The low frequency range procedures prescribed in § 609 6 are amended to read in part:

Low Frequency Range Procedures

	f viend contact not catabilehed	over alroct at authorized landing minimums, or if	remarks	Ollmb to 1,600' on W ers within 25 mi, or as directed by ATO OAUTION; 610' mai tower located 1,5 mi NW of LFR. NOTE: Dobistions from stand and erferts authorized in observation electromas, on final approach between LFR and approach between LFR and erit, and in direction of procedure turn to avoid danger are.	Climb to 1,299 on W ers within 25 ml, or or directed by ATC, Norr: Minimums apply to acit with steal speads of 75 mph or ices only	Climb to 1,25% on NW e23, cr as directed by ATC Hunway 31	Climb to 2 GeW en N Crywlthn 25 mi -i Leri, er os diectet by Art. When ballos Parnet reserved register minimum requir.  If balls FW received an overringen on final sign received all overringen on final sign is a fill in 3.6 mi 1835 of Leric.  On the 10 of the control of the control of the sign is a fill in 3.6 mi 1835 of Leric.  Norge 10 status from thin and effect of the straight in rate of decent, and derivating and for full in and of decent, and final appressed	Climb to 1,230' on B ers within 15 mi of LFR, or as directed by ATC.
-			Vist bility (ml.)	2000 2000	444 000	00000 00002	20000 20000	nnngn
	y minimur		Celling (ft)	<u>ବିର୍ଦ୍ଦିର</u>	69 69 69 69 69 69	83583	\$33 <u>8</u>	£22233
	l visibilit		VISI billity (mi )	2000 2000	120	20000		
	Colling and visibility minimum	рау	Celling (ft)	569 800 800 800	85.88 85.88	88C28	\$3\$28	55555
				<b>स</b> हि<स	<b>ಜ</b> <6	# <b>£</b> 3%≺€	# <u>응</u> 경<타	ಇಕ್ಷಿ%48
		Field eleva tion	(4))	ИС	274	<b>T</b>	<u>\$</u>	r.
	Station to airport	Dis tanco (mi)		. 4	9 4	24	cs cs	2.1
	Stati	Mag	netle bearing (deg.)	263	8	312	636	101
	Mini	altitudo over range:	final ap proach (ft )	1, 200	<b>6</b> 63	3	©3 <b>-</b>	8
	۵	Procedure turn minimum at dis tances from radio range station		10 mi—1 500 S sido B ca 115 mi—1,500 S sido B ca 20 mi—1,500 S sido B ca 25 mi—1,500 S sido B ca	10 mi – 1 500' N sido 13 cm 15 mi – 1 250' N sido 13 cm 20 mi – 1 250' N sido 15 cm 25 mi – 1 250' N sido 15 cm	10 ml—1,107 D ctdo SD crs 15 ml—1,107 D ctdo SD crs 29 ml—1,107 D ctdo SD crs 25 ml—1,109 D ctdo SD crs	10 ml-2 6m D al to 8 cm 25 ml-2 6m D al to 8 cm 25 ml-2 6m D al to 8 cm 25 ml-2 6m D al to 8 cm	10 mi—1 100' 8 sido W crs 15 mi—1 200' 8 sido W crs 20 mi—1 200' 8 sido W crs 25 mi—1,200' 8 sido W crs
	Final ap proach rango courso			р	я	GZ	æ	≱
	-	Minimum initial approach attlando from the direction and radio fix	materica	E-Min, on route alt. SE-Min on route alt. SE-Min on route alt. W-Min, or route alt. W-Licot (SE ers Spiritanburg LFR) NW-Min on route alt	N-Min on route alt D-Min (in route alt, B-Min, th route alt, B-1,699 (Della LFR) W-Min (in route alt,	NE—Min en rauto alt SE—Min, en rauto alt, SW—Min, en rauto alt, NW—Min en rauto alt.	N—Min, cn touto alt. N—Livy G cs Ft, Weth LFR) E—Min, cn routo alt. S—Jin, cn routo alt. S—Joy (Dumenvillo Final) N—Min, cn routo alt. (Dallas VOR to LFR—Z0°, 11 0 mi, 2 ww)	N—Min enroutealt B—Min, enroutealt, B—M. 29 (WB ers Orlando LFR) B—Min, enroutealt, W—Min enroutealt
		Station; frequency; identification:		OOLUMINA, B. O. Columbla Alipor Z7 kg. O A E. SDRĄZ-DTV	ORESTVIEW, FLA. Creiview Airport 30 kg O E W; SBRAZ-DTV	OROSS OTTY, FLA. Cress City Airport 2.3 key C.F.Y. SBMRAZ-DTV	DALLAB, TEX. LAVA FIGH 541 PG DALL SBAIRAZ-DTV	DAY TONA BEACH, FLA Daytom Brach Aliper 236 kg DAB; SBNLZ-DYV

910					OLLO MILO	NEOOLA IIOI II	•		
	If visual contact not established over airport at authorized landing minimums, or if	landing not accompilshed; remarks	Turn left, climb to 7,00% on E ers. Olimb to 6,50% within 10 m io LER or as directed by ATO.  Procedure turn not authorized on N side E ers due to high terrain.  Nors: Dovisions from stand ard criteria authorized in precedure turn and missed approced by toroscilus.  OATION: 4,50% terrain 10 miles NE of LER station	Olimb to 2,200' on W crs or as directed by ATO Runway 27	Olimb to 11 800' on SE crs	Olimb to 3,000 on NW crs within 25 mi or as directed by ATO 500-1 for actt with stall speeds of 75 mpl or less; • Maintain procedure turn alti- tude until within 10 mi of L.F.R. on final	Olimb to 2,600° on E ers of LFR; or as directed by ATC, Nors: (1) Celling and visibility minimums are for acft with stall speeds of 75 mph or less. (2) ADF procedure not authorized	Olimb to 2,000 on W crs within 25mi ora sdirected by ATO. 1,600 must be maintained until past Los Angeles LOM. 1 Downson Beach be made via Downsoy FM and Rbn #Rbn #Procedure turn within 10 mi, #Procedure turn within 10 mi, #FM and Rbn FM and Rbn RFM and RFM	If visual contact not estab- listed over Lift, climb to light on SW cre vithin 50 mi, or as directed by ATC, Final approach from LFB stn at night shall be via SW cre of LFB until arpt is visible from except.  Norza ADF procedure not suthorized.  Shurtze: To 10,000 on SW cre within 25 mi.
		Visi bility (mi)	000	20000 20000	4841 0000	121111 00000	000	11121 20000	8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8
y minimur	Night	Oeiling (ft)	1 500 1 000 1 000	300000	88888	000000 0000000000000000000000000000000	1 300 1 300 800	88888 88888 88888 88888 88888 88888 8888	444 650 600 600 600 600 600 600 600 600 600
visibilit		Visi bility (mi)	000 000	20000 0000	9000 HH8H	20000 20000	000	20000	000
Oelling and visibility minimum	Day	Celling (ft)	1 200 1 200 1 000	200200	000 000 300 300 300	8800 800 800 800 800	1 300 1 300 600	655 655 655 655 655 655 655 655 655 655	8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8
			R4E	#B&	없어다	KE#AF	요소단	REST AFT	떠석단
	Field eleva	( <del>)</del>	1 766	828	7 273	257	717	126	8 999 8 999
a to		Dis tance (ml )	2 0	2.6	2.1	8 8	0 0	8	24.0
Station to	No.	netic bearing (deg.)	27.9	082	148	316	860	245	247
Zeini	altitude over		4 000	1,700	8 000	••800	2 020	1 000	7 500
	Procedure turn minimum at dis-	rances non team range statute	10 mi – 5,500° *8 sido <b>E</b> crs 16 mi – N.A. 26 mi – N.A. 25 mi – N.A.	10 ml—2 300' N sido E crs 16 ml—2 300 N sido E crs 20 ml—2 300 N sido E crs 25 ml—2,300' N sido E crs	10 mi—8 500 E side NW crs 20 mi—8 600 E side NW crs 20 mi—8 600' E side NW crs 25 mi—8 500' E side NW crs	10 mi—1 300 E side SE crs 10 mi—1 600 E side SE crs 20 mi—1 600 E side SE crs 26 mi—1 600 E side SE crs	10 mi—2 300' S side W crs 11 mi—2 600 S side W crs 20 mi—2 600 S side W crs 25 mi—2 600 S side W crs	10 mi_###,000' 8 side E crs 20 mi_NA 25 mi_NA	10 ml—9,600' N side NE crs 12 ml—NA 20 ml—NA 25 ml—NA
	Final ap proach	course	ы	Ħ	WW	ह्य	A	Щ	a a
	Minimum initial approach altitude from the direction and radio fix		N—Not Authorized E—Min en route ait S—Min. en route ait, W—Min. en route ait, (Ellensburg VOR to LFR—229 15 mi 5 500')	E—Min, en route alt, SE—Min en route alt, W—Min, en route alt, NW—Min en route alt,	NE—Min en route alt SE—Min, en route alt SE—Min, en route alt, NW—Min, en route alt, NW—10 500' (NW ers Cheyenne (LERR) TERR, MI SERO') mi 8,500')	NE—Min en route alt SE—Min, ar route alt SE—800' (Keo FM) (Fnal) SW—Min, en route alt. NW—Min, en route alt. (Little Rock VOR to LFR—314°, 0 6 mf 1 300 )	N—Min en route alt B—Min en route alt S—Min, en route alt. W—Min en route alt	N—Min. en route alt. N—300 (Fellollywood Hills FM) E—Min. en route alt. E—Min. en route alt. E—1,000 (Lox Angeles LOM) E—1,000 (Lox Angeles LOM) (Final) S—Min. en route alt. LFR) V—Min en route alt.	NE—Min en route alt SE—Min. en route alt. SW—Min. en route alt. NW—Min en route alt
	Station; frequency; identifi		ELLENSBURG WASH Bowers Field 378 kg. ELN; SBMRAZ-DTV	LANSING, MIOH. Capital Oity Airport 200 kc; LAN; SBMRAZ-DTV	LARAMIE, WYO Bress Field 245 kg; LAR; SBMRAZ-DTV	LITTLE ROOK ARK Adams Field 363 kg. Lift; SBRAZ-DTV	LONE ROCK WIS. Lone Rock Alrport 278 kc, LNR; BMLZ-DTV	LOS ANGELES, OALIF. Los Angeles international 332 kc, LAX; SBRAZ-DTXV	LOVELOOK, NEV Lovelock Alport 209 ke; LOU; BMRLZ-DTV

2 The automatic direction finding procedures prescribed in § 609 9 are amended to read in part:

Automatic Direction Finding Procedures

				Α.	LONGE	DIRECTION	Automatic Direction punity procedures							
	Initial approach to static	nch to sta	tlon			Final ap					Mir	Minimums		
Station; froquency; identi freation; class	Trom-	T <sub>0</sub>	Mag notic courso (dog.)	Dis tanco (mi)	Mini mum altitude (ft )	prosch course; degrees inbound, outbound	Procedure turn minimum nt distances from sta tion	altitudo over sta tion on final approach (ft )	station to ap- proach end of runway (mi)	Field olova tion (ft.)	రి	Ooliing b	Visi bility (mi)	If visual contact not estab listed at authorized landing minimums, or if landing not accomplished; remarks
AUGUSTA, GA Bush Field	(All directions—MEA from primary fixes)	ary fixes)				348	1	1,200	0 9	142	# <b>*</b>	88	120	Olimb to 2,000 on ers of 348° and proceed to Augusta LFR, or
(Procedure No. 2) 233 kg; AG; LOM	Augusta LFR	LOM	140	13.0	1,400		20 mi-1,400 W sido courso 25 mi-1,400 W sido courso				<b>∀£</b> 1	88	00	as directed by ATO •Runway 35.
	Augusta LFR	LOM	148	20	1,800								<u>.                                    </u>	In direction of procedure turn
	Int. 351° brg to Augusta LER and 141° brg to Savannah LER	гож	100	34 0	1,400									
	Int. 240° brg to Augusta LFR and 163° brg to LOM	LOM	163	13 0	1,600									
AUSTIN, TEX Mueller Alrport	(All directions—MEA from primary fixes)	ary flxc3)				302	10 ml—2 600' E sido courso 15 mi—2 600 E sido courso	2 000	6 12	189	H(R)	003	200	Olimb to 2 500 on ers of 395° within 25 ml
404 kc; AU; LOM	Austla LFR	LOM	124	0.6	1,900		H-2,88				‰≺£	<b>32</b> 3	000	•Runway 39L
-	Austin VOR	LOM	149	o II	2 000			-			•	000		
OHARLESTON, 8. O Charleston Afract	(All directions—MEA from primary fixes)	ary fixes)				149	10 mi-1,200' W sido courco 15 mi-1,200 W sido courco	1,200	4 0	45	H (H)	88	20	Olimb to 1,600 on ers of 145° within 24 mi of Charleston
210 kc; OH;LOM	Obaricaton LFR	LOM	8	40	1,230	`	25 mi-1,230 W sido courso 25 mi-1,230 W sido courso				%≺i	88	000	LOM, oras directedby ATO Runway 16
	Int. E ers Charleston LFR and 325° brg to LOM	LOM	323	8	1,230						<del></del>		2	
	Int. N ers Charleston LFR and \$25° brg to LOM	royt	EE	1.6	<u>a</u>			<u>.</u>						1
OHICAGO, ILL. Chiego-Midway Airport	(All directions—MEA from primary fixes)	ary fixes)				312	10 mi-2 659 E side courso 15 mi-2,659 E side courso	88,1	3.82	819	rg.	88	13.00	Make right turn and climb to
(Pression No 1-ucing Kedisi Rha) 213 ke; EDZ; MHW	Int. Ders Harvey LFR and 312° brz to Rbn	Rbn	312	15.0	2.5 1.53 1.53 1.53		# - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 -				• <b>&amp;</b> <∺	3528 3528	2000	Might minimum, Alight minimum, Alight minimum, Alight minimum, Alight minimum, Alight minimum, Manifered cantinum of dur
	Thernton Int	Rbn	341	0 11	49.4 85.5 85.5									ing opprøach
	Chiego I FR	Rhn	137	2.0	3,600					-				
	I ako Shero Int	Rbn	£00.2	10 O	2,000									
	Howell Int	Rbn	ങ	4.5	2,600				•					
	Crib Int.	Rbn	249	10 0	2,600						_	_{		
(Precedure No. 2)	Chiergo LFR	LOM	331	Ç	3,300	132	1,00	1,830	8.3	810	<b>#</b> 8	SS	20	Olimb to 2000' and praced 8 on N and 8 courses of Harvey
TOP (TO STATE	Int. SL ers Chlengo LFR and 312° brg to LOM	ront	313	0.0	2,300	<b>.</b>	23 mi-2 c/o' W eldo courso				* m <	SSE	200	LFR to Momence Int , or as directed by ATC services and allocated by ATC services and allocated and
	Int. 8W ers Olenvlaw LFR and 131° brg to Chiengo LFR	ron	132	10.0	2, 500						E+	98	•	*Runways 13L and R Oaurion: LOM must be men fored continuously during
•	Int. NE ers Jollet LFR and 163º brg to LOM (Wilson Int)	ron	105	0 0	3,300					-				approach
	Int, NE crs Jollet LFR and 665° brg to LOM	ron	3	0 01	3,300				<del></del>				_	

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			Auz	OMATIC	DIRECT	THE NO.	Automatic Direction binding Frocedures-Continued	nea							TO
	Initial approach to station	ach to sta	tion			Final ap		Mini	Distance from		W	Minimums		ڔ	00
Station; frequency; identi fication; class	From	Ę.	Mag netic course (deg )	Dis- tancs (ml)	Mini mum altitude (ft )	proach course; degrees inbound, outbound	Procedure turn minimum at distances from station	altitude over sta tion on final approach (ft)	station to ap- proach end of runway (mi)	Field eleva tion (ft)	0	Ceiling b	Visi bility (mi)	If visual contact not estab lished at authorized landing minimums, or if landing not accomplished; remarks	
OINOINNATI, OHIO Greater Cincinnati	(All directions—MEA from primary fixes	ary fixes				88	10 ml—2000' E side course 15 ml—2000' E side course	1 500	4.5	88	#Æ	22	100	Climb to 2300' on ers of 360° within 15 mi of LOM or as	
Airport 215 kc; OV; LOM	Int NW ers Cincinnati LFR & s ers Dayton LFR	LOM	190	19 0	2 300		Bi-12000 1-12000 1-12000						10 10 N BCOB)	directed by ATO Runway 36. Nore: (i) LMM located 0.6 mi	
	Union FM	LOM	360	0 9	2,000 Final- 1500)		*	· · ·			<del></del>	9	2	iron and of thursy, Fred, 206 ke, Ident, VG. (2) LOM must be monitored continu ously during approach	_
	Oincinnati LFR	LOM	235	21 0	2,400										
	Oincinnati VOR	LOM	142	3.0	2,000			<del></del>							
,	Int. SW crs Cincinnati LFR & 320° brg to LOM	LOM	320	.10	2 000				-					,	
GLEVELAND, OHIO	(All directions—MEA from primary fixes)	ary fixes)	,			33.4	10 ml—2 200 S side course 15 ml—2 200 S side course	1 660	4 5	789	#£	88	00	Olimb to 2600 on crs of 100° within 25 mi of LFR, or on	
Altport 201 kc; OL; LOM	Oloveland LFR	том	224	4 5	2, 100		200 117 117 117					888	000	crs of 107° from VOE or as directed by ATO.	ΝŪ
	Oleveland VOR	LOM	8	12 0	2,100						<del></del>	<u> </u>	>	OAUTION: Monitor LOM dur	LL.
	Elyria Rbn	LOM	122	0 6	2, 100								,	mg approach	
	Int. NW crs Akron LFR and 054° brg to LOM	LOM	054	8 0	2 200										IIAD
	Avon Lake FM and 171 brg to LOM	rom	171	10 0	2 100	-, -				-					KE
	N. Royalton FM and 303° brg to	LOM	303	11 0	2 600		ţ								GULM
DALLAS, TEX Love Field	(All directions—MEA from primary fixes)	ary fixes)				30gg	10 ml — 1 700' N side course 15 ml — 1 700' N side course	1 700	4 81	483	#æ	88	00	Olimb to 2,000' on crs of 126° within 25 mi of LOM	1101
371 kg DA; LOM	Int. E crs Ft. Worth LFR and N crs Dallas LFR	гом	202	3 0	1 700		20 mi—2 000 N side course 25 mi—2 000' N side course				·····································	288	000	*1,226' msl obstruction 45 mf S of crs. #Runway 13	NJ
	Int. E ers Ft. Worth LFR and 126° brg to LOM	LOM	126	20	1 700						<del></del>				
	Dallas VOR	LOM	265	13 0	2,000										
	Int. 273 brg to Duncanville Rbn and 306 brg to LOM	LOM	306	30.0	2 000										
ł	Duncanville Rhn	LOM	341	17 0	2,000							•			
	Dallas LFR	LOM	325	0.2	2,000							!			
HOUSTON TEX.	(All directions—MEA from primary fixes)	ary fixes)				215	10 mf—1 300' S side course 15 mf—1 300' S side course	1 200	4.78	8	HE BH	88	100	Climb to 1,600' on crs of 035° within 25 mi, or when di-	
219 кс; но; гом	Houston LFR	LOM	241	09	1,200	)	20 mi-1 300'S side course 25 mi-1,300'S side course					888	14. 000	rected by ATCelimb to 1,000 on NW ers of Houston LFB	
	Int. SE ers Richmond LFB and SW ers Houston LFB	LOM	920	10.0	1,200							8	3	*Runway 3. Nore: Take offs on Rwy 26	
	Webster FM	LOM	ă	13 0	1,200	•						1		and pandings on rowy of 20 not authorized.	
	Int. NE ers Richmond LFR and NW ers Houston LFR	LOM	150	15.0	1,600			<del></del>				<del></del> ,			
	Monument Rhn	LOM	215	19 0	1,400										
	Houston VOR	LOM	219	6.0	1,200	_	_	_	_	-		-	-		

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Procedures—C
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	If visual contact not estab lished at authorized landing minimums, or if landing not accomplished; remarks	or at Billif DM, immediately turn right, almin of 200 on record of 270 within 20 m of record by ATO.  Romess Olty Life or as all record by ATO.  Build TM, to apple 227, 09 miles of the proceeder of the proceede	of at part (3) to 3 miles in the control of the con
	Visi bility (ml)	nadin	· · · · · · · · · · · · · · · · · · ·
Minimums	Colling (ft)	25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25.525 25	
		KE SE 4t	
	Field oleve tion (ft)	837	
Distance	station to ap- proach ond of runway (mi)	LOAD	
Mint	altitudo ovor sta tion on final approach (ft)	COND CONT	
0	Procedure turn minimum at distances from sta tion	25 mi – 2 500 W side course 25 mi – 2 500 W side course 25 mi – 220 W side course 25 mi – 220 W side course 25 mi – 220 W side course	
F	proach course; dogrees finbound, outbound	\$ 55 E	
	Mini mum altitudo (ft )	2, 500 2, 500 2, 500 2, 500 2, 500 2, 500 2, 500 2, 500 2, 500 3, 500 3, 500 3, 500 3, 500 4, 500 5,	
	Dis tanto (ml.)	1000 1000 1000 400 400 400	
lon	Mag notio courso (dog.)	C23 1123 1123 1123 1123	_
ach to stat	T0-	LOM	
Initial approach to stati	From—	Kansas Olty LFR LOM Linevillo FM LOM Kansas Olty VOR LOM Kansas Olty VOR LOM Linevillo FM and Rbn LOM Linevillo FM and Rbn LOM Linevillo FM and Rbn LOM Kancas Olty LFR LOM LOM Kancas Olty VOR LOM Kancas Olty VOR LOM	
	Státlon; froquoncy; idonti deatlon; obas	EANBAS OLTY, MO. KANSAS OLTY, MO. 201 kc; KO; LAIM 201 kc; KO; LAIM	

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Initial app	Initial approach to station	ation			Final ap		_	Distance from		2	Minimums		
From	T0-	Mag netic course (deg )	Dis tanco (ml.)	Mini mum altitude (ft )	proach course; degrees inbound, outbound	Procedure turn minimum at distances from sta tion	altitude over sta tion on final approach (ft)	station to ap- proach end of runway (mi)	Field eleva tion (ft)		Ceiling 1	Visi bility (mi )	If visual contact not estab lished at authorized landing minimums, or if landing not accomplished; remarks
(All directions—MEA from primary fixes)	(mary fixes)				045	10 mi — 2,500' W	2 500	9 9	686	#£	88	1 200	Turn left, climb to 3,000 on ers
Knoxvillo LFR	Rbn	216	10 0	2, 500		20 mi-2 500 W side course 25 mi-2 500 W side course				# to	328	100	ville LFR, or as directed by ATO.
Int. NE ers Knoxville LFR and 225° brg to Rbn	d Rbn	226	14 0	2 500	<del>.</del>					<b>4</b> €	88	00	*Runway 4. #Night minimums Note: Deviations from stand-
Tallassee FM	Rbn	353	14.0	3 500						=			ard criteria authorized in missed approach altitude be low MEA, and in direction of procedure turn to avoid high terrain
(All directions—MEA from primary fixes)	Imary fixes)				858	10 ml—1 800 8	1 600	4 6	401	mé	88	100	Olimb to 2 000' on crs of 058
Harrisburg LFR	Rbn	811	29 0	2 000		20 mi—2 100 S side course 25 mi—2 100 S side course	•			j*a∢ F+		0B) 10 10	within 10 mi, make climbing left turn and return to Rbn at 2,600' *Runway 8
(All directions—MEA from primary fixes)	mary fixes)				273 093	10 mf—2,300 N	1 760	4.3	858	HE	200	100	Ollmb to 2 200 on ers of 280°
Lansing VOR	LOM	072	12 0	2,300		20 mi—2 300 N side course 25 mi—2 300 N side course		·			888	000	directed by ATO  *Runway 27
Lansing LFR	LOM	88	2 0	2 300						E4	900	0	Nore: Do not descend below 1 520 until after passing Lansing LFR
(All directions—MEA from primary fixes)	rimary fixes,				168	22	4,000	4.76	3 256	HE.	000	100	Olimb to 4 500 on ers of 168°
Lubbook VOR	LOM	150	2	4, 500	}	20 ml-NA 25 ml-NA				<b>∄</b> ∀	328	200	drected by ATO.
Lubbock LFR	LOM	150	120	4, 500						E	000 0000	0	cedure due to traffic #Runway 17
Int. E ers Lubbock LFR and 348° brg to LOM	LOM	348	မီ	4, 500									
Int. N crs Lubbock LFR and 083° brg to LOM	LOM	88	0 =	4 500			<del></del>				<u></u> -		
(All drections—MEA)					116 286	10 mi-1,400 S side course 16 mi-NA 20 mi-NA 25 mi-NA	088	0 0	230	점4 E	1,000 (BCOOB)	100	Olimb to 1,600 on ers of 116 within 25 ml of Rbn. Nora: Minima applicable to acit with stall speeds of 75 mph or less only
(All directions—MEA)					255 255 255 255 255 255 255 255 255 255	10 mi—1 200 S side course 16 mi—1 200 S side course 20 mi—1 200' S side course 25 mi—1 200' S side course	726	0 0	126	RE 4 F	1,080 (BGO (BGO (BGO)	1 222	Climb to 1,900 on ers of 016° within 25 mi of Rbn or as directed by ATC
(All directions—MEA from primary fixes)	Imary fixes)				046	mi-1 600'S side	1 200	4.4	155	mé	25	<del></del>	Olimb to 1 700' on ers of 046°
Int. SW crs Macon LFR and 046° brg to LOM	LOM	946	3.0	1,600		20 ml—1 600° S side course 25 ml—1 600° S side course			<del></del>	€‰4 1	1,886 BCOB	148	directed by ATC Runway 6
Macon LFB	LOM	132	2.0	1,600						<del>—</del>		10	

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	If visual controls not estab  If visual controls and inclinations, or if landing not accomplished; remarks	1 6 Olimb to 2,000 on ers of 036 1 0 to NE ers of Momphis LFR	00	-		20	2 0 by ATO.	1 0		Õ	2.0 vittin 10mi'ef Run. 3.0 vittin 10mi'ef Run. 3.0 vittin 10mi'ef Run. 5.0 vittin 20mi'ef Run. 5.0 vittin 10mi'ef Run. 5.0 vi	1 6 Climb to 2 600 on ces of 331° 1 0 within 25 mi of LOM, or as	1 0 directed by ATC 1 5 Runway 2L, 2 0 Stylet minima	Ö			1.5 Climb to on top not 1 close 1 0 cm (c) c	2.0 in nen stan ford 2 windto 1.0 helding fritten E of lat.W.	White been with the services	Alleyo 5 (will him of h	irel, the masses of	from on typ, with t ips ust above 5 000 mg	10 Over Contract not extablished over Commention Lifts, turn right (South) and climb to 3,000 on ersof 20° within 20 mil of EF R.  •Precedure turn within 20 mil
Minimums	Colling (ft )	0000	88		۰		1,886	 		886	711 888 888		388 388				<u>-</u>						900 (incon) 300
	9670	269	<b>₹</b>			217 R	<b>∞</b> ∢	E1		030 F	<del></del>	#E	2. <	:E1			250 (30)	<b>∹∺</b>					#4 F
<del></del>	Tiold olova tion (ft)	<u> </u>				5 2	,			1 2 0	············						<u> </u>						
Distance	station to ap- proach end of runway (mi)	4 88				*				350°, 3		6.73					4.5						0.0°,000
Mini	altitudo over sta tlon on final approach (ft )	1, 700				1 400				\$ 140		1 903					2,740						0.FG
	Procedure turn minimum at distances from sta tion		20 mi-1,700 S sido courso 25 mi-1,700 S sido courso			1 400 1	20 mi-1 400 W side course 25 mi-1 400 W side course			10 mi - 0,000' E sido courso* 16 mi - NA	25 mi-NA 25 mi-NA	10 mt - 2 500 E cide course 16 mt - 2 500 E cide course	HI-288				10 ml = 4,007 S sido courco	25 m = 7 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m 5 x - 1 m					10 mi-1,607 8 side course 15 mi-1,607 8 side course 20 mi-1,607 8 side course 25 mi-NA*
Final ap	proach course; dogrees inbound, outbound	080				140				340		Hor					223				•		268 268
	Mini mum altitudo (ft )		2, 000	1,700	1,700		1, 400	1,400	1,400	000 6			2,600	2, 593	2, 883	2,099		3, 208	3,233	*3, (c/b)	3,263	62,740	
	Dis tanco (mi )		18 0	20 0	0 9				4 6	24 0			23.0	23.0	7.0	8 0		10.0	340	2 2 2			
uo	Mag notio courso (dog.)	nry fixes)           LOM         192           LOM         048           LOM         202		202		- R	320	8	838	iorized)		182	673	22.0	212		or Gi	5 3	Ħ	ਛ	S		
oh to statl	T0-			LOM	ry fixes)	LOM	LOM LOM Rbn fonnotauthe		on not autl	y fixes)	тож	ron	LOM	ron	y fixes)	row		LOM	LOM	royt			
Initial approach to station	From.	(All directions—MEA from primary fixes)	Cuba FM	s Momphis LFR and to LOM	Memphis LFR	(All directions—MEA from primary fixes)	Mobile LFR	to LOM and BW	Mobile LFR	21	(Approaches from any other direction not autho	(All directions—MEA from primary fixes)	Nalterbill FM	Falroiow FM	Nachville VOR	Nachville LFR	(All directions—MEA from primary fixes)	Rivered to J FR	Downcy FM & Ren	Fentana FM	Ontrele VOR	verside LFR and	(All directions—MBA)
	Station; frequency; donti	MEMPHIS, TENN.	1	1	ı	MOBILE, ALA	•			MONTAGUE, OALIF.	<u>.                                    </u>	NASHVILLE, TENN		-	-	• .	ONTABIO, CALIF.		•	•	•	•	OXNARD, OALIF Oxnad Venum County (Using Compatible LFR) acts key OAV; SRAWZ

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	Initial approach to statio	ach to stat	no.		2007		Mini	Distance		M	Minimums		
Station; frequency; identi freation; class	From—	ToT.	Mag netic course (deg.)	Distance alti	Mini course; mum inbound, (ft )	Procedure turn minimum at distances from station	altitude over sta tion on final approach (ft)	station to ap- proach end of runway (mi )	Field 1 tion (ft )	-	Celling b	Visi bility (ml)	f visual contact not estab lished at authorized landing minimums, or if landing not accomplished; romarks
PITTSBURGH, PA. Greater Pittsburgh Airport	(All directions—MEA from primary fixes)	ary fixes)			321	10 mf-2 600' H	2, 100	4.7	1 151	m E	88	00	Make left climbing turn climb to 2,500' proceeding to Olin
201 kc; GR; LOM (Procedure No 1)	New Alexandria Rbn	LOM	274	39 0	3,000	20 mi - 2,600' E side course 25 ml - 2 600 E side course					1,88	00 50	ATO.
	Gecil Rbn	LOM	013	8 0 2,	009	-				E٠	(a)— (b)— (c)— (c)— (c)— (c)— (c)— (c)— (c)— (c	1 0	numway oz
	Butler Rbn	LOM	214	21 0 2,	000								
	McKeesport Rbn	LOM	291	19 0 2,	200								
-	Pittsburgh LFR	LOM	308	11 0 2	2, 600								
	Ollaton Rbn	LOM	119	10 0	009								
•	Pittsburgh VOR	LOM	336	12 0 2	000								
(Procedure No. 2—Using Greater Pittsburgh Rbn)	(All directions—MEA from primary fixes)	ary fixes)			277	10 mf — 2 900 N 15 mf — 2 900 N	2 400	6 5	1 151	#(E)	200	1 0 0	Olimb to 2,500 on crs of 277° and proceed to Olinton Rbn,
823 kg; GRP; MHW	Wheeling LOM	Rbn	920	41 0 2,	26	20 ml—2,900 N side course 25 ml—2,900 N side course				d	1,880 1,800 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000	00	or as directed by ATO Runway 23
-	New Alexandria Rbn	Rbn	087	36 0 3,	8					E	900	10	
'	Butler Rbn	Rbn	210	16 0 2,	006				-				
	McKeesport Rbn	Rbn	300	18 0 2,	006	-							
	Int. S crs Youngstown LFR and NW crs Pittsburgh LFR	Rbn	119	34 0 2	200								
	Pittsburgh LFR	Rbn	336	11 0 2	006								
	Pittsburgh VOR	Rbn	356	14 0 2	006								
	Cecil Rbn	Rbn	028	12 0 2	008	-							
	Olinton Rbn	Rbn	260	13 0 2	200						,		
(Procedure No 3—Using Clinton Bbn)	(All directions—MEA from primary fixes)	iry fixes)			160	10 ml—2 500' S	2 000	4.6	1 161	#(E)	888	100	Climb to 3,000' on crs of 097° and proceed to Greater Pitts.
293 kg; GHW; MHW	Wheeling LOM	Rbn	040	33 0 2,	20	25 mi — 2,580 25 mi — 2,580			•	• 4	1,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885 2,885	00	burgh Kbn, or as directed by ATO.
·	Bergholz Rbn	Rbn	100	33 0 2	2, 500					E	- 000 - 000	10	or forman
	McKeesport Rbn	Rbn	294	30 0	200								
	Butler Rbn	Rbn	239	24.0	2, 500								
	New Alexandria Rbn	Rbn	27.9	48 0 3	000						0		
	Greater Pittsburgh Rbn	Rbn	21.2	130 2	2, 500								
	Cecil Rbn	Rbn	332	14.0 2	2, 500								
<u></u>	Pittsburgh LFR	Rbn	302	21.0	2, 500								
	Pittsburgh VOR	Rbn	320	21.0 2	2,500								
	Int. S ers Youngstown LFB and NW ers Pittsburgh LFB	Rbn	131	23 0	2,500								
PONCA CITY OKLA. Ponca City Alroat 338 kg. PNC; BME-DTV	(All directions—MEA)				350	10 ml-2,200 W side course 15 ml-2,200 W side course 20 ml-2,200 W side course 25 ml-2,200 W side course 25 ml-2,200 W side course	1,600	On air. port.	1,014	氏• 4t <del>+</del>	8888	1881	Turn right and elimb to 2,2tg' on crs of 35tg' within 25 mi, or as directed by ATC Night minimums

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Final ap Procedure turn minimum altitude station course: at distance from sta	From— To— netic Dis mum degrees tion tion on proach tion Celling Visition on the course tanged (deg) (ml) (ft) outbound approach tunway (ft) (ml)	Side course 1 780 4 63 1 196 R Side course	Youngstown LFR         LOM         210         9 0         2,300         25 mi -2 300         Side course         S*         600           25 mi -2 300         25 mi -2 300         25 mi -2 300         Sside course         A         800		Int. E ers Youngstown LPR LOM 230 11 0 2 300 and 230° big to LOM	Int. S crs Youngstown LFR LOM 320 6 0 2 800 and 320 big to LOM	Int. W ers Youngstown LFR LOM 140 13 0 2,300 and 140° brg to LOM	Int. S crs Youngstown LFR LOM 230 60 2 300
Station; frequency; identi		YOUNGSTOWN OHIO  Youngstown Afront		Youngstown	Int. E crs and 230° b	Int. S crs and 320° b	Int. W crs and 140° b	Int. S crs and 230° b

3 The instrument landing system procedures prescribed in § 609 11 are amended to read in part;

INSTRUMENT LANDING SYSTEM PROCEDURES

	If visual contact not established at authorized landing minimums or if landing not accomplished; ra		Olimb to 2,000 on ers of 348° and	proceed to Augusta LFR, or as directed by ATO.	This is a deviation from standard criteria because of the prohibited area to the E.	*No glide path avallable #Runway 35	Climb to 2,500 on N ers Birming	ham LFR, or as directed by ATC #700-3 authorized for Rwy 36 all air	craft (except DC-6 and L-49) pro- vided alreraft not maneuvered N or E of airport Runway 5.	+600-1 required when either gilde path or slope lights are inoperative, #Poviation from standard criteria authorized on direction of pro-	cedure turn account obstructions to S	Olimb to 1,200' on S ers ILS within	10 mi, or as directed by ATC Runway 17L	0		
s	Vist	bility (mi)	2 0	00 -7	_		1.5	3/4	1.00			1.5	3,40	000		
Minimums	S	ing (#)	009	<del>2</del> 8	8		#900	25 25 4	98			83	88	28		
			æ	\$ª∀	E4		mi	£;‰	4E1			mi	£.	46		
	Field eleva tion	<u> </u>	142				83				····	81			·····	
Distance from	markers to approach end of runway (ml )	Middle	0 65				0 72				•	9.68				
Distan	approach end (runway (ml )	Outer	5 00				5 40					4.34				
Glide noth	altitude over markers (it)	Middle	•				830					240				
O II O		Outer		(A)t	over OM on final	apch)	2,000					1 150				
Mini	altitudo at glide	toreap- tion(ft)	:		•		2,000					1,150				
	o Procedure turn mini		1 300 - W side	S Cr3			2,000,-#N	Side Sw crs	Î			1 200'-W sfde	75 24			
Final ILS	approace course; degrees	out bound	02.5	168			SW	232			•	z	327		- 11	
	Mint	altitude (ft )	1,400	1,800	98	1 400	2,500	2,500	2,000	2, 500	2, 500	1,200	1,200	1,200	1 200	
	DIs	tance (EEI)	13 0	21 0	13 0	34.0	0.6	11.0	26.0	8 8	12.0	2.5	4.5	4.5	20.0	
<u>م</u>	Mag	course (degs)	146	148	168	100	214	213	052	232	232	025	81	320	174	
Transition to ILS		-0.T.	Outer marker	Outer marker	Outer marker	Outer marker	Outer marker	Outer marker	Outer marker	Outer marker	Outer marker	LOM	N ers ILS	LOM	LOM	
		1004	Augusta LFR	Augusta VOR	Int NE ers Augusta LFR and N ers ILS	Int S crs Augusta LFR and NW crs Savannah LFR	Birmingham LFR	Birmingham VOR	Int. SW ers Blrming- ham LFR and SW ers ILS	Int. S ers Birming- ham LFR and SW ers ILS	Int. E ers Birming- ham LFR and NE ers ILS	Brownsville LFR	Los Fresnos FM	Brownsville VOR	Int. 150° brg to Browns- ville VOR and N crs ILS	
	ILS location and range from which initial approach to	Tre statt de made	AUGUSTA, GA	Freq. 109.9 mo	254		BIRMINGHAM	Birmingham	Freq. 110.3 mc Ident BHM			PROWNSVILLE BE TEX BE Change Val Log ley Internation— al Altreport. Freq. 110.3 mc Ident. BRO In Internation— Ident. BRO Internation— I				

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If visual contact not established at authorized landing minimums or if landing not accomplished; re marks			<u> </u>												Climb to 2,50% on N ext ILS to NW ext Circimati LFR, or as directed by ATO  *Ranway 30								
smi	Visi bility (mi)		200000 441004 505400														POSCO						
Minimums	Goll	iiii	888888888888888888888888888888888888888													\$5\$\$							
			ස <u>ප</u> . 9	# ************************************												#£%<€							
Field oleva tion (ft )			•												68								
Distance from markers to	approach end of runway (ml ) Outer Middle		02.0												8								
Distar	approa runw	Outer	6 80													€.03							
Glide path	ors (ft)	Middle	808													1,035							
		Outor	2,265			· · · · · · · · · · · · · · · · · · ·										1,037							
Mini mum altitudo atglido path in torcop- tion(ft)		8 300													ଓ ଓ								
Proceduro turn mini mum on ILS			2 300'.—W slda												5 cra 5 cra								
Final ILS approach course; degrees inbound; out bound			NA 3123													<u>ක්</u> සියිස්							
Transition to ILB	Mini	altitude (ft )	2, 300	2, 500	2 300	2 300	2 300	2,300	2,300	2,300	2,300	2, 500	2, 600	2,300	2,000	2,360	2,000	2,400	2,000	2,000	2,000 (Final)	2,300	
	Dis tance (mi )		13 0	16 0	0 0	7.0	0 2	2 0	22 0	16.0	14 0	20 0	17 0	120	13.0	ន	5.0	310	3.0	30	10 0	8 0	
	Mag notio courso (degs )		260	132	312	180	132	జ	933	190	010	191	332	170	183	091	300	332	833	143	300	180	
	To-		LOM	Glido path in tercoption (Final)	LOM	NW ces ILB	LOM	NW crs ILS	SE cra ILS (Kedzle Rbn)	LOM	NW cro ILS (Elmburct int.)	NW ers IL	SE ers ILS (K o d z i o Rbn)	8E cr3 ILS	LOM	LOM	LOM	ron	ron	LOM	LOM	LOM	
		- rom	Int NE crs Chicago LFR and SE crs Glanviow LFR	Int 8W ers Glenvlow LFR and 131° bear- ing to Chicago LFR	Int SE ers Ohlengo LFR and NW ers ILS	Int NE ers Joliet LFR and NW ers Obleago LFR	Int NE ers Joliet LFR and NW ers ILS	Obleago LFR	Napervillo VOR	Naperville VOR	Napervillo VOR	Lake Forest VOR Int	Oblego Heights VOR	Int. 340° crs from Chl. cro Heights VOR and 637° crs from Nopervillo VOR	Int. NW ers ILS and 017° ers from Noper villo VOR	Int. NW crs Clucin noti LFR and N crs ILS	Union FM	Oluclunati LFR	Int. 8W ers Cheln- nati LFR and 3203 bearing to LOM	Cincinnati VOR		Int. 202° brg to Olu- chinati YOR and N crs ILS	
TT.G locotton and	rango from which	Trs spall be made	1758 1758												OINCINNAFT, OHIO OHIO OFFICE CINCIN INCLANTOR FORCE OFFI FORCE OFFI MENT OFF								

These procedures shall become effective upon publication in the Feveral Register (See 206, 62 Stat 984 as amended; 49 T S O 426 Interpret or apply see 601, 62 Stat 1007, as amended; 49 T S O 651)

[F R Doc 53-2071; Filed, Mar 9, 1953; 8:45 a m]

# TITLE 32—NATIONAL DEFENSE Chapter V—Department of the Army

Subchapter F-Personnel

PART 582—DISCHARGE OR SEPARATION FROM SERVICE

DISCHARGE FOR CONVENIENCE OF THE GOVERNMENT

Section 582.3 (b) is amended by rescinding subparagraph (2) as follows:

§ 582.3 Discharge for the convenience of the Government. \* \* \*

(b) Categories for which authorized.

(2) [Rescinded.]

[C 1, AR 615-365, Feb. 17, 1953] (R. S. 161; 5 U, S. C. 22)

[SEAL] WM. E. BERGIN,

Major General, U. S. Army,

The Adjutant General.

[F. R. Doc. 53-2177; Filed, Mar. 10, 1953; 8:48 a. m.]

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 117, Revision 1, Amdt. 5]

CPR 117—MALT BEVERAGES

EXEMPTION OF CERTAIN NOTICE REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161; and Economic Stabilization Agency General Order No. 2, this Amendment 5 to Revision 1 of Ceiling Price Regulation 117 is hereby issued.

# STATEMENT OF CONSIDERATIONS

This Amendment 5 to Ceiling Price Regulation (CPR) 117, Revision 1, adds a general overriding section which exempts from the recording and notice provisions of section 27 (b) brewers who hereafter establish ceiling prices for the sale of bock beer under section 27 (a) Provision is also made for the determination of ceiling prices for the sale. of this bock beer by wholesalers and retailers, and wholesalers making these sales are similarly exempted from notice and reporting requirements. Hereafter, all retailers are exempted from the requirement of posting ceiling prices for bock beer.

Sales of bock beer are generally made for a 6- to 8-week period only each year. Some brewers of bock beer did not sell this seasonal item during 1952 and therefore did not previously determine their ceiling prices for bock beer under CPR 117 or CPR 117, Revision 1. These brewers must determine ceiling prices in accordance with the provisions of CPR 117, Revision 1, for the sale of bock beer in the 1953 season.

Bock beer is generally regarded to be of the same quality as the standard brand beer (being priced the same generally) Under the regulation, most brewers would determine their bock beer ceiling prices under section 27 (a) These brewers would then be required by section 27 (b) to report the determined ceiling prices to the OPS and issue ceiling price notices to their customers. The reporting and notice requirements of section 27 (b) would cause these brewers substantial expense. In view of the ease of identifying this class of newly labeled items, the short selling season, the expense incurred in the issuance of the required notices, and the termination of price control on all malt beverages no later than April 30, 1953, it appears that the notice and reporting requirements of section 27 (b) would cause undue hardship. Accordingly, this amendment modifies these requirements by eliminating from section 27 (b) sales of bock beer by brewers who first determined their bock beer ceiling prices after this date under section 27 (a)

Wholesalers purchasing bock beer from these brewers will determine their price for these items as if they had received notices from the brewers. Wholesalers will use as the "comparable malt beverage" the item which differs from the bock beer in name by the absence of the word "bock" In turn, the wholesaler is exempted from the requirements of section 37 (b) for these items.

The retailer who purchases a particular brand of bock beer for which he has not already determined a ceiling price and who does not receive a notice from his seller on or before the date he makes such purchase will treat such items as a newly labeled item within section 55. To determine his ceiling price he will take as the "comparable malt beverage" the item which differs from the bock beer in name by the absence of the word "bock" Hereafter, all retailers are exempted from the requirement of posting bock beer prices.

In the formulation of this amendment the Director of Price Stabilization has, to the extent practicable, consulted with industry representatives, including trade association representatives, and has given consideration to their recommendations. In the judgment of the Director this amendment is generally fair and equitable, is necessary to effectuate the purposes of Title IV of the Defense Production. Act of 1950, as amended, and complies with all the applicable standards of the act.

#### AMENDATORY PROVISIONS

CPR 117, Revision 1, is amended to add the following section:

SEC. 101. Exemption from notice, posting, and reporting requirements for certain bock beer sales—(a) Brewers. If you are a brewer who prior to March 10, 1953 had not established ceiling prices for the sale of bock beer under CPR 117, or CPR 117, Revision 1, and who elects to determine ceiling prices for such item under section 27 (a) you need not comply-with the requirements of section 27 (b) for these items.

(b) Wholesalers. If you are a whole-saler who purchased a particular brand of bock beer for which you had not determined a ceiling price under CPR 117, or CPR 117, Revision 1, prior to March 10, 1953 and you do not receive a notice from your supplier with regard to ceiling

prices of that brand of bock beer before or at the time you first purchase that item after March 10, 1953 you will treat such item as if you had received the notice indicated in section 37 (a) To determine your ceiling price for the sale of that item you will take as the "comparable malt beverage" the item which differs from the bock beer in name by the absence of the word "bock" You need not comply with the requirements of section 37 (b) with respect to this item of bock beer.

(c) Retailers. If you are a retailer who did not determine a ceiling price under CPR 117, or CPR 117, Revision 1, for a particular brand of book beer before March 10, 1953 and you do not receive a notice from your supplier with regard to ceiling prices of that brand of bock beer before or at the time you purchase that item after March 10, 1953, you will treat such item as if you had received the notice indicated under section 55. To determine your ceiling price for the sale of that item, you will take as the "comparable malt beverage" the item which differs from the book beer m name by the absence of the word "bock"

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 5 to Ceiling Price Regulation 117, Revision 1, 18 effective March 10, 1953.

JOSEPH H. FREEHILL, Director of Price Stabilization.

MARCH 10, 1953.

[F. R. Doc. 53-2247; Filed, Mar. 10, 1953; 11:13 a. m.]

# TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3-VETERANS CLAIMS

PROOF OF DEATH

In § 3.55, paragraph (d) is amended to read as follows:

§ 3.55 Proof of death. \* \* \*

(d) Where death occurs abroad, by a United States consular report of death, bearing the signature and official seal of the United States consul, or, except as provided in § 3.32 (a) (2) (iv), by a certified copy of the public record of death authenticated by the United States consul or other agency of the State Department: Provided, That where the deceased person was at the time of death a civilian employee of the United States Army, Air Force, Navy, Marine Corps, or Coast Guard, an official report of death will be obtained from the Department of the Army, Air Force, Navy, or Treasury Department.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective March 11, 1953.

[SEAL]

H. V STIRLING, Deputy Administrator

[F. R. Doc. 53-2183; Filed, Mar. 10, 1953; 8:49 a. m.]

PART 3-VETERANS CLAIMS

PROVISIONAL REGULATIONS; INSTRUCTIONS RELATING TO AWARDS OF ADDITIONAL COM-PENSATION FOR A DEPENDENT OR DE-PENDENTS

1. Section 3.1504 is revoked.

§ 3.1504 Instructions relating to awards of additional compensation for a dependent or dependents. (Instruction 1, Pub. Law 877, 80th Cong.) [Re-

2. Section 3.1507 is revoked.

§ 3.1507 Instructions relating to awards of additional compensation for a dependent or dependents. (Instruction 1, sec. 4, Pub. Law 339, 81st Cong. [Revoked.]

[SEAL]

H. V. STIRLING. Deputy Administrator

[F. R. Doc. 53-2182; Filed, Mar. 10, 1953; 8:48 a. m.1

# TITLE 50-WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C-Management of Wildlife **Conservation Areas** 

PART 36-ALASKA REGION

SUBPART--Aleutian Islands National WILDLIFE REFUGE

WATERFOWL AND PTARLIGAN HUNTING PERMITTED; EXPIRATION

Notice is hereby given that the regulations in § 36.11 Waterfowl and ptarmigan hunting permitted (17 F.R. 7290). have expired of their own limitation.

Dated: March 5, 1953.

O. H. JOHNSON. Acting Director.

[F. R. Doc. 53-2159; Filed, Mar. 10, 1953; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[ 26 CFR Part 81 ]

ESTATE TAX UNDER CHAPTER 3 OF THE INTERNAL REVENUE CODE, AS AMENDED

FOREIGN ESTATE TAX CREDIT

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C. 3791)

T. COLEMAN ANDREWS, Commissioner of Internal Revenue.

In order to conform Regulations 105 (26 CFR Part 81) to section 603 of the Revenue Act of 1951, approved October 20, 1951, relating to foreign estate tax credit, such regulations are amended as follows:

Paragraph 1. Section 81.2, as amended by Treasury Decision 5858, approved September 14, 1951 (26 CFR 81.2), relating to description of tax, is further amended by inserting immediately after paragraph (e) thereof (which paragraph commences "Credits for Federal gift taxes") the following new paragraph (f) and by redesignating present paragraph (f) as paragraph (g)

(f) Credits for death taxes paid foreign countries by estates of certain decedents dying after October 20, 1951, are authorized against both the basic and additional taxes. See § 81.9 (b) as to conditions and limitations.

PAR. 2. Section 81.7, as amended by Treasury Decision 5239, approved March 10, 1943, relating to rates and computation of tax, is further amended as follows:

(A) By inserting in the second sentence of paragraph (C) thereof, immediately after "for gift tax" the following:
"or for death taxes"; and
(B) By striking the last sentence in

example (2) thereof and inserting in lieu thereof the following sentence: "It will be noted that credit for estate or inheritance taxes paid to any State is not allowable against the additional tax imposed by section 935."

Par. 3. There is inserted immediately preceding § 81.8 the following:

SEC. 603. FOREIGN ESTATE TAX CREDIT (REV-

ENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) Credit against basic estate tax. Section 813 (relating to credits against estate tax) is hereby amended by adding at the end thereof the following new subsection:

(c) Same; paid to foreign countries—(1) In general. The tax imposed by section 810 shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any foreign country in respect of any property situated within such foreign country and included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent). If the decedent at the time of his death was not a citizen of the United States, credit shall not be allowed under this subsection unless the foreign country of which such decedent was a citizen or subject, in imposing such taxes, allows a similar credit in the case of a citizen of the United States resident in such country. The determination of the country within which property is situated shall be made in accord-

ance with the rules applicable under Part III of this subchapter in determining whether property is obtuated within or without the United States.

(2) Limitations on credit. The credit provided in this subsection with respect to such

taxes paid to any foreign country—

(A) Shall not, with respect to any such tax, exceed an amount which bears the same ratio to the amount of such tax actually paid to such foreign country as the value of property which is—
(i) Situated within such foreign country,

(ii) Subjected to such tax, and

(iii) Included in the gross estate bears to the value of all property subjected to such tax: and

(B) Shall not, with respect to all such taxes, exceed an amount which bears the came ratio to the tax imposed by section 810 (after deducting from such tax the credits provided by subsections (a) and (b) of this section) as the value of property which is—

(1) Situated within such foreign country,
(11) Subjected to the taxes of such foreign

country, and
(III) Included in the gross estate bears to the value of the entire gross estate reduced by the aggregate amount of the deductions allowed under subsections (c), (d), and (e) of section 812.

(3) Valuation of property. (A) The values referred to in the ratio stated in paragraph (2) (A) are the values determined for the purposes of the tax imposed by such

foreign country.

(B) The values referred to in the ratio stated in paragraph (2) (B) are the values determined under this chapter; but, in applying such ratio, the value of any property described in clauses (i), (ii), and (iii) thereof shall be reduced by such amount as will properly reflect, in accordance with regulations prescribed by the Secretary, the deductions allowed in respect of such property under subsections (c), (d), and (e) of section 812.

(4) Proof of credit. The credits provided in this subsection and in section 936 (c) chall be allowed only if the taxpayer estab-lishes to the catisfaction of the Secretary (A) the amount of taxes actually paid to the foreign country, (B) the amount and date of each payment thereof, (C) the description and value of the property in respect of which such taxes are imposed, and (D) all other information necessary for the verification and computation of the credits.

(5) Period of limitation. The credits pro-vided in this subsection and in section 936 (c) chall be allowed only for such taxes as were actually paid and credit therefor claimed within four years after the filing of the return required by section 821, except that

(A) If a patition for redetermination of a deficiency has been filed with The Tax Court of the United States within the time preceribed in section 871, then within such four-year period or before the expiration of 60 days after the decision of The Tax Court becomes final.
(B) If, under section 822 (a) (2) or section

871 (h), an extension of time has been granted for payment of the tax shown on the return, or of a deficiency, then within such four-year period or before the date of the expiration of the period of the extension.

Refund based on such credits may (despite the provisions of sections 910 to 912, inclucive) be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest.

(b) Credit against additional estate tax. Section 936 (relating to credits against estate tax) is hereby amended by adding at the end thereof the following new subsection:

(c) Estate, etc., taxes paid to foreign countries—(1) In general. In the case of

the estate of a citizen or resident of the United States, the tax imposed by section 935 shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any foreign country in respect of any property situated within such foreign country and included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent). If the decedent at the time of his death was not a citizen of the United States, credit shall not be allowed under this subsection unless the foreign country of which such decedent was a citizen or subject, in imposing such taxes, allows a similar credit in the case of a citizen of the United States resident in such country. The determination of the country within which property is situated shall be made in accordance with the rules applicable under Part III of subchapter A in determining whether property is situated within or without the United States.

(2) Limitations on credit. The credit provided in this subsection with respect to such taxes paid to any foreign country—

(A) Shall not exceed the amount by which such taxes paid to the foreign country exceed the amount of the credit allowed therefor under section 813 (c); and

(B) Shall not exceed an amount which bears the same ratio to the tax imposed by section 935 (after deducting from such tax the credit provided by subsection (b) of this section) as the value of property which is—

(i) Situated within such foreign country,(ii) Subjected to the taxes of such foreign country, and

eign country, and
(iii) Included in the gross estate bears
to the value of the entire gross estate reduced by the aggregate amount of the deductions allowed under subsections (c),
(d), and (e) of section 812.

(3) Same; special rules. (A) For the purposes of paragraph (2) (A), "such taxes paid to the foreign country" shall, with respect to any tax paid to the foreign country, be the amount computed under section 813 (c) (2) (A).

(B) The values referred to in the ratio stated in paragraph (2) (B) are the values determined under this chapter; but, in applying such ratio, the value of any property described in clauses (i), (ii), and (iii) thereof shall be reduced by such amount as will properly reflect, in accordance with regulations prescribed by the Secretary, the deductions allowed in respect of such property under subsections (c), (d), and (e) of section 812.

(4) Proof of credit. For provisions relating to proof of credit, see section 813 (c) (4).

(5) Period of limitation. For provisions relating to period of limitation on claiming of credit or refund based thereon and non-payment of interest on refund, see section 813 (c) (5).

(e) Effective date. The amendments made by this section shall be applicable with respect to estates of decedents dying after the date of the enactment of this Act.

SEC. 615. TREATY OBLIGATIONS (REVENUE ACT

OF 1951, APPROVED OCTOBER 20, 1951).

No amendment made by this Act shall apply in any case where its application would be contrary to any treaty obligation of the United States.

PAR. 4. Section 81.8, as amended by Treasury Decision 5699, approved May 13, 1949, is further amended as follows:

(A) By striking the word "and" from the first sentence of paragraph (a) thereof;

(B) By striking the period at the end of the first sentence of paragraph (a) thereof and inserting in lieu thereof the following: " and, fourth, if the decedent

died after October 20, 1951, the credit under § 81.9 (b) for death taxes paid to a foreign country." and

(C) By substituting "§ 81.9 (a)" for "§ 81.9" wherever "§ 81.9" appears in such section.

PAR. 5. Section 81.9, as amended by Treasury Decision 5820, approved December 7, 1950, is further amended as follows:

(A) By amending the heading thereof to read as follows: "Credit for death taxes—(a) Taxes paid a State, Territory, The District of Columbia or a possession of the United States"

(B) By deleting present paragraphs (b) and (c) thereof; and

(C) By inserting at the end thereof the following new paragraphs (b) and

(b) Foreign death taxes—(1) In general. (i) Subject to certain limitations indicated hereinafter, sections 813 (c) and 936 (c) of the Internal Revenue Code, as added by section 603 of the Revenue Act of 1951, approved October 20, 1951, authorize additional credits against the basic and additional estate taxes for any estate, inheritance, legacy, or succession taxes actually paid to any foreign country in respect of property situated in such foreign country and included in the gross estate. Such taxes are herein referred to as "foreign death taxes" The credit is available to estates of decedents dying after October 20, 1951, who were citizens of the United States at death. Credit is also allowable in the case of a decedent dying after October 20, 1951, who was a resident but not a citizen of the United States if the country, of which the decedent was a national, in imposing death taxes allows a similar credit to estates of citizens of. the United States resident in such country. For definition of resident see § 81.5.

(ii) The credit is allowable not only as to death taxes paid foreign countries which are states in the international sense, but also as to estate, inheritance, legacy, or succession taxes paid to possessions or political subdivisions of foreign states. However, the credit is limited to estate, inheritance, legacy or succession taxes imposed with respect to the death of such a decedent and does not apply to any such taxes paid with respect to the estate of a person other than the decedent. No credit is allowable as to property situated outside of the foreign country in which is imposed the tax in respect of which credit is claimed. Whether particular property of the decedent is situated in the foreign country imposing the tax is determined m accordance with the same principles that would be applied in determining whether similar property of a nonresident decedent not a citizen of the United States is situated within the United States for Federal estate tax purposes. See § 81.50. For example, under that section, a bond for the payment of money is not within the United States unless the certificate is physically located in the United States; accordingly, a bond is deemed situated in the foreign country imposing the tax only if the certificate therefor is physically located in such for-

eign country. Similarly, under § 81.50, stock of a domestic (United States) corporation, irrespective of location of the certificate, and stock of a foreign corporation, if the certificate therefor is located in the United States, is deemed to be situated in the United States: therefore, a share of corporate stock is regarded as situated in the foreign country imposing the tax if the issuing corporation is incorporated in that country, or if the certificate of stock (regardless of country of incorporation) is physically located in such country. Further, under the provisions of section 863 (b) and § 81.50, moneys deposited with any person carrying on the banking business by or for a nonresident not a citizen of the United States who was not engaged in business in the United States at time of death is not deemed to be situated in the United States. Consequently, such an account with a foreign bank in the country imposing the tax is not considered to be situated in such country.
(iii) The credit is limited to the for-

eign estate, inheritance, legacy, or succession tax attributable to property situated in a foreign country and included in the gross estate. Further, the credit cannot exceed the Federal estate tax attributable to such property, determined in the manner hereinafter prescribed. No credit is allowable for any interest or penalty paid in connection with the foreign estate, inheritance, legacy, or suc-cession tax. Where credit for a partic-ular foreign death tax is authorized by convention, there shall be allowed either the credit provided by the convention or the credit computed under this section. whichever is the greater. Where a foreign death tax is imposed by both a foreign country with which the United States has entered into a death duty convention and one of its possessions or political subdivisions, the credit authorized by such convention or by this section. whichever is the greater, shall be allowed. For example, if a portion of the estate of a citizen of the United States is situated in Canada and is subjected to death taxes imposed by both the Dominion of Canada and the Province of Quebec, credit is allowable for the Dominion duty computed under the estate tax convention with Canada or for the combined Dominion duty and the provincial duties under this section, whichever is greater. Where foreign death taxes are imposed in respect of the same property by more than one foreign country, credit shall be allowed for all such taxes, whether such credit is allowed under a convention or under this section, subject to the limitations prescribed in this section. These rules may be illustrated by the following examples:

Example (1). The decedent was a citizen of and domiciled in the United States at death. His estate consisted of bonds of United States corporations, the certificates Ior which were physically located in Quebee, \$750,000; stocks of Canadian corporations, the certificates for which were located in the United States, \$200,000; and bonds of Canadian corporations, the certificates being located in the United States at death, \$50,000. Debts and charges amounted to \$40,000. The Federal estate tax prior to allowance of credit for foreign death taxes amounted to \$257,-

740. Assume that the net succession duty imposed by the Dominion of Canada on the Canadian stock and bonds amounted to \$28,-320. Under the Death Duty Convention between the United States and Canada, the Federal estate tax attributable to such prop-

erty is:  $\frac{250,355}{1,000,000} \times $257,740 = $64,435$ . On the

basis of these facts alone, credit would be allowable under the Canadian Convention for the tax paid to the Dominion of Canada in the amount of \$28,320, since this amount is less than the Federal estate tax attributable to the property. No credit is allowable under the Convention for the tax imposed by the Province of Quebec.

Assume Turther that a succession duty was imposed by the Province of Quebec on the bonds of United States corporations in the amount of \$48.096. Under the situs rules in subdivision (ii) of this subparagraph, the bonds of United States corporations and stocks of Canadian corporations are deemed to be situated in the foreign country. Under the rules in subparagraph (2) (ii) of this paragraph for determining the amount of the first limitation the total Quebec duty attributable to the United States bonds situated in Canada amounted to \$48,096, and the Dominion succession duty attributable to the Canadian stocks amounted to \$22,656. The total foreign death tax attributable to the property situated in a foreign country and included in the gross estate amounted to \$70,752. The credit cannot exceed the Federal estate tax attributable to such property which is computed as follows:

# 950,000 1,000,000 ×\$257,740 = \$244,853

Since this limitation exceeds the foreign tax attributable to the property, the credit under this section for both the taxes imposed by the Dominion of Canada and the Province of Quebec is limited to \$70,752. Credit may not be claimed separately under the convention for the Dominion succession duty and under this section for the Quebec succession duty.

Example (2). The decedent was a citizen of the United States, domiciled in France at death. It is assumed that death occurred after November 21, 1951, the effective date of the supplementary convention between the United States and Canada. The estate of the decedent consisted of stock of United States corporations valued at \$750,-000, the certificates for which were physically located in the United States; stock of French corporations endorsed in blank, the certificates for which were located in Canada, \$50,000; and bearer bonds of French corporations, the certificates for which were in Canada, \$200,000. Under the Convention between the United States and France, the French stocks and bonds are deemed to be situated in France, and credit for the tax imposed by France in respect of such property is allowable under such Convention. If not claimed under such Convention, credit for the tax imposed by France is available under this section with respect to the stock of French corporations for the reason that under § 81.50 stocks of corporations are deemed situated in the country where the issuing company is incorporated or at the physical location of the certificates. No credit is allowable, under this section for tax imposed by France on the bonds of French corporations since, in accordance with § 81.50, bonds are considered as being situated at the physical location of the bonds. No credit is available under the Convention between the United States and Canada with respect to the tax imposed by Canada on the French stocks and bonds for the reason that under such Convention, the property is deemed to be situated in France. Credit, however, is allowable under this section for the Canadian tax attributable to the French stocks and bonds, the certificates for which were located in Canada.

(iv) If at the time the Federal estate tax return, Form 706, is filed, the foreign death tax has not been determined and paid, credit therefor may be entered on the return in an estimated amount. The computation of the credit should be set forth on a schedule attached to Form 706. However, before credit for foreign death tax is finally allowed satisfactory evidence such as a statement by an authorized official of each country, possession, or political subdivision thereof. imposing such tax must be submitted certifying (a) the full amount of such tax (exclusive of any interest or penalties) as computed before allowance of any credit, remission or relief; (b) the amount of any credit, allowance, remis-sion, or relief, and other pertinent information, including the nature of such allowance and a description of the property to which it pertains: (c) the net foreign death tax payable after such allowance; (d) the date on which such death tax was paid, or if not all paid at one time, the amount of each partial payment; and (e) a list of the property situated in such foreign country and subjected to its tax, showing a description and the value thereof. Satisfactory evidence must also be submitted showing that no refund of such death tax is pending and none authorized or, if any such refund is pending or has been authorized, the amount thereof and other pertinent information. The following information should also be submitted whenever applicable:

(1) If any of the property subjected to such death tax was situated outside of the country imposing the tax, the description of each item of such property and the value thereof.

(2) If more than one inheritance or succession is involved with respect to which credit is claimed, or where the foreign country, possession or political subdivision thereof imposes more than one kind of death tax, or where the foreign country, possession or political subdivision thereof each imposes a death tax, separate computation with respect to each inheritance, succession tax.

(v) In addition to the foregoing, the Commissioner may require the submission of any further proof deemed necessary to establish the right to credit.

(2) Limitation on amount of credit allowable—(i) General. The credit allowable under this section is limited to the smaller of the following amounts:

(a) The foreign death tax attributable to property situated in a foreign country. subject to foreign death tax, and included in the gross estate; or

(b) The Federal estate tax attributable to such property, as prescribed herein-

(ii) First limitation. (a) The amount of the foreign death tax attributable to the property described in subdivision (i) (a) of this subparagraph, is an amount A, which bears the same ratio to B (the amount of the foreign death tax imposed upon the particular inheritance or succession, without allowance of credit, if any, for Federal estate tax) that C (the value of the inheritance or succession situated in the foreign country which was included in the gross estate for Federal estate tax) bears to D (the value of the entire inheritance or succession subjected to the foreign death tax). Where the foreign country imposes more than one kind of death tax or imposes taxes at different rates upon the several shares of an estate, or where the foreign country and a political subdivision or possession thereof each impose a death tax, the first limitation is to be computed separately for each such tax or rate. The values used in this proportion are the values determined for the foreign death tax. The amount of the foreign death tax for which credit is allowable must be converted into United States money.

(b) As an example of the determination of the foreign death tax attributable to specific property, assume that the decedent was a citizen of the United States and his widow and son are beneficiaries under his will. The decedent owned real estate in Country X valued at \$90,000 and stock of Y Corporation (a corporation organized under the laws of Country X) valued at \$75,000. There is no death duty convention between the United States and Country X. \$60,000 of the real estate and \$15,000 of the stock of Y Corporation passed to the surviving spouse. Assume that under the laws of Country X the inheritance tax is computed as follows:

Properties Included in the Widow's Inheritance for Tax of Country X

1. Value of real estate in X\_\_\_\_\_ \$60,000 2. Value of stock of Corporation Y\_ 15,000

Total value\_\_\_\_\_ Tax of County X\_\_\_\_\_\_ 12,000

Property Included in the Son's Inheritance for Tax of Country X

Value of real estate in X\_\_\_\_\_\_\_\$30,000
 Value of stock of Corporation Y\_\_\_\_\_60,000

Total value.... 90,000 Tax of County X\_\_\_ 14,400

The amount of the foreign inheritance tax attributable to personal property in the widow's inheritance is

 $\frac{\$15,000}{\$75,000}$   $\times$  \$12,000 = \$2,400

The amount of the foreign inheritance tax attributable to perconal property in the son's inheritance is

\$60,000 \$30,000 \\$14,400 =\$9,600

1. Country X tax on personalty on \$2,400

con's inheritance\_

Total Country X inheritance tax attributable to included property \_\_

9,600

(iii) Second limitation. For the purpose of subdivision (i) (b) of this subparagraph, the amount of the Federal estate tax attributable to property for which the credit is allowable is to be

computed as follows:

(a) The first step is to determine the value of the foreign property which enters into the computation. In case no deduction is allowed under section 812 (c) (relating to the deduction for property previously taxed), section 812 (d)

(relating to the so-called charitable deduction) or section 812 (e) (relating to the so-called marital deduction) such value shall be the value of property situated in the foreign country subject to the foreign death tax, and included in the gross estate. However, if any deduction is allowable under section 812 (c). (d) or (e) such value shall be the value of property situated in the foreign country, subject to the foreign death tax, and included in the gross estate, reduced in accordance with the following rules: (1) Where any such property is specifically bequeathed, devised, or transferred to an organization described in section 812 (d) or passes to the surviving spouse within the meaning of section 812 (e) such value is to be reduced by the amount of the deduction under section 812 (d) or (e) attributable to such bequest, devise, or transfer, or to the passing of such property (2) where any such property is property with respect to which a deduction may be allowed under section 812 (c) such value shall be reduced by that part of the aggregate deduction allowed under section 812 (c) which the value of such property with respect to which a deduction may be allowed under the first three paragraphs of section 812 (c) bears to the value of all property with respect to which a deduction may be allowed under the first three paragraphs of section 812 (c) (3) where an interest in a group of assets'which consists in part of such property is bequeathed, devised, or transferred to an organization described in section 812 (d) or passes to the surviving spouse within the meaning of section 812 (e) such value is to be reduced by an amount A which bears the same ratio to B (the amount of such bequests to charity or such property passing to the surviving spouse) which C-(such property less the amount of reductions computed under paragraphs (a) and (b) of this section) bears to D (the value of all property less (i) the amount of all property specifically bequeathed, devised, or transferred to an organization described in section 812 (d) or specifically passing to the surviving spouse within the meaning of section 812 (e) and (ii) the aggregate deductions allowed under section 812 (c)), (4) for the purpose of determining the deduction under section 812 (e) under rules (a) and (c) if the aggregate marital deduction allowed under section 812 (e) is less than the amount of such deduction computed without regard to the limitation stated in § 81.47d, then the portion of such deduction attributable to particular property is an amount which bears the same ratio to the deduction which would be attributable to such property without regard to the limitation stated in § 81.47d as the aggregate mantal deduction allowed bears to the aggregate marital deduction computed without regard to the limitation stated ın § 81.47d.

(b) The second step is to compute the amount of the Federal estate tax attributable to property for which the credit is allowable, which is an amount A, which bears the same ratio to B (the Federal estate tax, after allowance of credits for State inheritance, etc., taxes under sec-

tion 813 (b) and for gift taxes under sections 813 (a) and 936 (b)) as C (the value of the foreign property which enters into the computation, as determined under the first step) bears to D (the value of the gross estate, reduced by the aggregate amount of the deductions allowed under sections 812 (c) (d) and (e))

The following examples indicate the application of this subdivision. These examples are solely for the purpose of illustrating the determination of the amount of credit under this section and are without regard to the amount of credit which may be allowable under the Convention between the United States and France.

Example (1). The decedent was a citizen of, and domiciled-in, the United States at time of death; a son and daughter were beneficiaries, each taking one-half of the residue of the estate, and cash in the amount of \$400,000 was bequeathed to a charitable organization in the United States. The estate consists of shares of stock of United States corporations, the certificates for which were physically located in the United States, \$750,000; bonds issued by the French Government physically located in the United States, \$50,000; shares of stock of French corporations, the certificates for which were physically located in France, \$200,000; and debts and administration expenses total \$40,000. Under the situs rules prescribed in subparagraph (1) (ii) of this paragraph, the French stock comprises the only property deemed to be situated in France. amount of the French inheritance tax in United States money imposed in respect of such property is \$48,000. The amount of Federal estate tax is \$133,300 after the allowance of State inheritance tax. The credit cannot exceed the amount of the Federal estate tax attributable to the included property which is

=\$26,660. Since the cash bequest to charity is not specifically identifiable with any particular property, each amount used in the above proportion is adjusted to reflect its prorated share of the charitable deduction allowed. The credit is allowable in the lesser of the two amounts, \$26,660.

Example (2). The facts are the same as in example (1) except that \$40,000 of the French stocks are specifically bequeathed to a public charitable establishment in France. The total amount of French inheritance tax attributable to property included in the gross estate is \$42,800 (\$4,800 allocable to the bequest to charity and \$38,000 to the shares passing to the son and daughter). The amount of the Federal estate tax is \$245,180. The credit cannot exceed the amount of the Federal estate tax attributable to the French stocks which is

utable to the French stocks which is 
$$\frac{160,000}{960,000} \times \left(\frac{\text{Value of French stocks adjusted}}{\text{Gross estate adjusted}}\right)$$

X\$245,180=\$40,863:33. Since a charitable deduction is involved in this case, the value of the French stocks and the value of the gross estate are adjusted in computing the Federal estate tax attributable to the included property. As the amount of the Federal estate tax attributable to the property included in the gross estate (as adjusted) is less than the amount of the French tax attributable to the included property, the credit is allowable in the former amount, \$40,863.33.

Example (3). The decedent was domiciled in the United States at death; his wife, son, daughter, and a charitable organization

being the beneficiaries of his estate. The estate consists of shares of stocks of United States corporations, the certificates for which were physically located in the United States, \$440,000; United States real estate, \$100,000; shares of stocks of French corporations, the certificates for which were in France, \$300,-000; and debts and administration exponses total \$40,000. He bequeathed \$40,000 in real estate to a charity in the United States and \$300,000 of French stocks and \$200,000 of United States stocks to his wife. The residue of the estate passed to his children. Under the situs rules of subparagraph (1) (ii) of this paragraph, the only property considered to be situated in France comprises the shares of stocks of the French corporations. The amount of French inheritance taxes in United States money is \$71,250.

The adjusted gross estate is \$840,000 less \$40,000 debts and charges, or \$800,000. The marital deduction is therefore limited to one-hair of \$800,000 or \$400,000. The amount of the Federal estate tax, after the allowance of the \$0 percent State inheritance tax credit, is \$76,180. The French property comprised in the marital deduction is

$$\frac{400,000}{500,000}$$
 × \$300,000 or \$240,000

The French inheritance tax attributable to the property included in the gross estate is \$71,250. The credit, however, cannot exceed

or \$11.427. The value of the French stock is adjusted for its prorated share of the marital deduction allowed and the value of the gross estate is adjusted for the marital deduction and the bequest to charity. As the amount of the Federal estate tax attributable to the included property is less than the amount of the French inheritance tax imposed on the property included in the gress estate, the credit is allowable in the amount of the former, \$11,427.

(c) For the purposes of this limitation, where a particular foreign country imposes more than one kind of death tax or imposes taxes at different rates upon the several shares of an estate or a particular country and its possession or political subdivision each impose a death tax, the foreign property entering into the computation (as determined under subdivision (a) of this subparagraph) which is subjected to each such tax or different rate shall be combined. The combined value shall not exceed the value at which such property was included in the gross estate for Federal estate tax purposes. For example, if the Dominion of Canada imposes a succession duty with respect to property A at 10 percent and with respect to property B at 20 percent, or property A is subjected to tax by the Dominion of Canada and property B by the Province of Quebec, the total value of properties A and B shall be combined in computing this limitation. Further, in such a case, the foreign death taxes attributable to such property separately computed with respect to each tax or rate under the first limitation shall be combined when determining whether the foreign death tax is greater or smaller than the Federal estate tax attributable to such property. See Part 1 of example (1) below.

(d) In case credits against the Federal estate tax are allowable under this section or under this section and one or

more death duty conventions in respect of death taxes paid to more than one country, such credits shall be combined and the aggregate amount thereof credited against the Federal estate tax. If a particular item of property included in the gross estate is subjected to tax by more than one foreign country, the total amount of the credits is limited to the amount of the Federal estate tax attributable to such property, adjusted to give effect to the principles stated in subdivision (c) of this subparagraph. See Part 2 of example (1) below. The amount of the Federal estate tax attributable to such property shall be determined in accordance with the rules prescribed for computing the second limitation in this subdivision.

Example (1). The decedent's estate consisted of properties A, B and C, each valued at \$100,000 for Federal estate tax purposes, and the total Federal estate tax with respect to all such property amounted to \$72,000. Assume that properties A and B qualify for the credit and that such properties were fully subjected to foreign death tax as follows:

Property A by the Dominion of Canada . 820.000 Property B by the Province of 26,000 Quebec Property A by Country X .. 10,000

Since properties A and B were fully cubjected to foreign death tax, the amount of the foreign death tax attributable to such property (computed separately under the first limitation for each separate foreign death tax) is the full amount of the foreign death taxes. The foreign death tax attributable to such property, thus computed cep-arately under the first limitation with respect to each separate foreign death tax. is to be compared with the Federal estate tax attributable to such property computed under the second limitation.

Part (1). In the case of the property subjected to tax by the Dominion of Canada and the Province of Quebec, the amount of the Federal estate tax attributable to such property is not to be computed separately, under the second limitation with respect to each separate foreign tax, but properties A and B are combined as follows:

200,000 Property subject to tax by Canada and Quebec > X872,000 (Federal tax) = 848,000 300,000 Gross estate

Further, the amounts of the Canadian and Quebec taxes attributable to properties A and B computed under the first limitation are combined (\$46,000) for purposes of comparison with the Federal estate tax attributable to such property (\$48,000) in determining the allowable credit with respect to the foreign death taxes imposed by Canada and Quebec. Credit is, therefore, allowable in the amount of \$46,000 with respect to the taxes imposed by Canada and Quebec since

this amount is less than the amount computed under the second limitation.

Nore: That if the second limitation were computed separately for properties A and B. the total credit allowable with respect to property B would be only \$24,000 rather than \$26,000.

Part (2). In the case of property A subjected to tax by Country X, the accound limitation is computed as follows:

100,000/Property subject to tax by X  $\times 672,000$  (Federal tax) = 624,000 300,000 Gross estate

The foreign tax imposed by Country X attributable to such property under the first limitation is \$10,000. This amount is less than the Federal estate tax attributable to such property (\$24,000), and on the basis of these facts alone, credit would be allowable for the tax imposed by Country X in the amount of \$10,000. However, the Federal estate tax attributable to property A is \$24,-000 and, of this amount, \$22,000 has been taken into account in Part 1 of this example in determining the credit allowable with respect to the death taxes imposed by the Dominion of Canada and the Province of Quebec as follows:

\$20,000 credit allowed with respect to property A for the tax imposed by the Dominion of Canada:

\$2,000 credit allowed with respect to property B in excess of the Federal estate tax attributable to such property (\$24,000) for the tax imposed by the Province of Quebec.

Accordingly, additional credit allowable for the tax imposed by Country X is limited to \$2,000. If, under the facts in this example, property B had also been subjected to death tax by Country X no additional credit would be allowable for such tax for the reason that the Federal estate tax attributable to such property amounted to only \$24,000. Nevertheless, the credit of \$26,000 otherwise allowable with respect to property The combined B shall not be reduced. credits allowable with respect to all foreign death taxes is limited to \$48,000.

Example (2). If it be assumed under the facts otherwise indicated in example (1) above that only property A was subjected to foreign death tax, the total credit allowable with respect to such property would be \$24,- 000. While the total death taxes imposed with respect to property A amounted to \$30,000, the Federal estate tax attributable to such property amounted to only \$21,000 and the credit is, accordingly, limited to the smaller amount.

(iv) Allocation of credit. The amount computed under the lower of the two limitations is the total credit authorized with respect to both the basic and additional taxes. The amount of credit authorized against the basic estate tax is the lower of (a) the amount computed under the "first limitation" and (b) the amount of the basic estate tax attributable to the property computed in the manner described under the "second limitation" For this purpose, the basic estate tax is the net basic tax after allowance of credits for State inheritance, etc., taxes under section 813 (b) and gift taxes under section 813 (a) The amount of credit authorized against the additional estate tax is the lower of (c) the amount computed under the "first limitation" less the credit allowed against the basic estate tax and (d) the amount of the additional estate tax attributable to the property computed in the manner described in the "second limitation" this purpose, the additional estate tax is the net additional tax after allowance of credit for gift tax under section 936

(c) Claim for credit or refund and interest on refund, (1) The credit is

also limited to such taxes as were actually paid and credit therefor claimed within four years after the filing of the return, except as otherwise provided in this paragraph. If a petition is filed with the Tax Court for the redetermination of a deficiency within the time prescribed by section 871 (a) (see § 81.73) the credit is limited to such taxes as were actually paid and credit therefor claimed within four years after the filing of the return or before the expiration of 60 days after the decision of the Tax Court becomes final, whichever period is the longer. If an extension of time has been granted for payment of the tax shown on the return or of a deficiency under section 822 (a) (2) or section 871 (h) the credit is limited to such taxes as were actually paid and credit therefor claimed within four years after the filing of the return or before the date of the expiration of the extension, whichever period is the longer. Should the executor, in accordance with the provisions of sections 925 and 926, elect to postpone the payment of the Federal estate tax attributable to a reversionary or remainder interest, the credit allowable against the tax attributable to such interest is limited to estate, inheritance, legacy, or succession taxes attributable to such interest as are actually paid and credit therefor claimed prior to the expiration of 60 days after the termination of the precedent interest. (See section 927 of the Internal Revenue Code and § 81.79 (b).)

(2) Refund based on the credit, despite the provisions of sections 910, 911, and 912, will be made if claim therefor is filed within the period provided for filing claim for credit. Such refunds will be made without interest.

(d) Recovery of death tax claimed as credit. If subsequent to the allowance of credit for death taxes under section 813 (b) or (c) or section 936 (c) recovery is made of any overpayment of such taxes, then the executor or other person recovering such overpayment is required at once to notify the Commissioner thereof. The Commissioner will thereupon redetermine the additional amount of estate tax due resulting from the incorrect credit allowed and such amount will be paid by the executor upon receipt of notice and demand therefor. Assessment of such additional tax may be made at any time.

PAR. 6. Section 81.56, is amended by changing the first sentence thereof to read as follows: "The provisions relating to credits under §§ 81.8 and 81.9 (a) and to rates and payment of the tax are the same in estates of nonresidents not citizens and of residents or citizens."

Pan. 7. There is inserted immediately after section 874 and preceding section 875 of the Internal Revenue Code which precede § 81.74 the following:

SEC. 603. FOREIGN ESTATE TAX CHEDIT (REVE-NUE ACT OF 1951, ENACTED OCTOBER 20, 1951).

(d) Extension of period of limitations, etc., in case of recovery of taxes claimed as credit. Section 874 (b) (relating to exceptions to general rule as to period of limitation upon accessment and collection of estate tax) is hereby amended by inserting at the end thereof the following new paragraph:

(3) Recovery of taxes claimed as credit. If any tax claimed as a credit under section 813 (b) or (c) or section 936 (c) is recovered from any foreign country, any State, any Territory or possession of the United States; or the District of Columbia, the executor, or any other person or persons recovering such amount, shall give notice of such recovery to the Secretary at such time and in such manner as may be required by regulations prescribed by him, and the Secretary shall redetermine the amount of the tax under this chapter and the amount, if any, of the tax due upon such redetermination, shall be paid by the executor or such person or persons, as the case may be, upon notice and demand.

(e) Effective date. The amendments made by this section shall be applicable with respect to estates of decedents dying after the date of the enactment of this Act.

PAR. 8. Section 81.74 is amended by striking the first sentence of paragraph (d) and inserting in lieu thereof the following: "All assessments against executors (as to assessments against transgereess and fiduciaries, see § 81.102) except in the case of a false or fraudulent return, or of a failure to file a return, or in the case of the recovery of tax claimed as a credit under section 813 (b) or (c) or section 936 (c), must be made within three years after the return was filed."

Par. 9. There is inserted immediately preceding § 81.79 the following:

SEC. 603. FOREIGN ESTATE TAX CREDIT (REV-ENUE ACT OF 1951, ENACTED OCTOBER 20, 1951).

(c) Reversionary or ramainder interest. Section 927 (relating to credit for State death taxes) is hereby amended to read as follows:

SEC. 927. CREDIT FOR DEATH TAXES.

Such part of any estate, inheritance, legacy, or succession taxes allowable as a credit under section 813 (b) or (c) against the tax imposed by this subchapter, or under section 936 (c) against the tax imposed by subchapter B, as is attributable to such reversionary or remainder interest may be allowed as a credit against the tax attributable to such interest, subject to the limitations on the amount of credit contained in such-sections, if such part is paid, and credit therefor claimed, at any time prior to the expira-tion of 60 days after the termination of the precedent interest or interests in the property.

(e) Effective date. The amendments made by this section shall be applicable with re-spect to estates of decedents dying after the date of the enactment of this Act

Par. 10. Section 81.79, as amended by Treasury Decision 5699 is further amended as follows:

(A) By striking therefrom the sentence in paragraph (a) (3) (iii) beginning "An extension of time to pay the tax" and inserting in lieu thereof the following: "An extension of time to pay the tax may extend the period within which taxes allowed as a credit by section 813 (b) or (c) or section 936 (c) are required to be paid and the credit therefor claimed. (See § 81.9) "

(B) By amending paragraph (b) (5)

thereof to read as follows:

(5) If the time for payment of Federal estate tax attributable to a reversionary or remainder interest in property is postponed, all estate, inheritance, legacy, or succession taxes allowable as a credit under the provisions of sections 813 (b) or (c) or 936 (c) which are paid and for which credit is claimed within the period provided in such sections will be allowed (not to exceed the limitations in such sections) and the allowance will be applied first to the respective portions of the Federal tax attributable to the same interests in property to which the estate. inheritance, legacy, or succession taxes are attributable. Estate, inheritance, legacy, or succession taxes, as described in section 813 (b) or (c) or under section 936 (c) which are attributable to the reversionary or remainder interest and which are paid and for which credit is claimed after the expiration of the period provided in those sections will also be allowed as a credit against the Federal tax attributable to such interest (not to exceed the limitations in such sections) if such taxes are paid and credit therefor is claimed prior to the expiration of 60 days after the termination of the preceding interest or interests in the property.

(C) By inserting the following example immediately following the example in paragraph (b) (5)

Example. The facts are the same as in the preceding example except that, in addition, the estate is entitled to a credit for foreign death tax paid in the amount of \$4,000. The additional Federal estate tax before allowance of such credit is \$142,500. of which \$47,500 is attributable to the reversionary or remainder interest and \$95,000 is attributable to other property. Of the total credit of \$4,000 for foreign death tax, \$1,000 is attributable to the reversionary or remainder interest and \$3,000 to other property. \$500 of the credit is allowable against the Federal basic tax and \$3,500 against the additional tax. Assume that the foreign death tax paid within the fouryear period amounts to \$3,500 none of which is attributable to the reversionary or remainder interest. Of this payment, \$500 will be credited against the Federal basic. tax and \$3,000 against the additional tax. Accordingly, under these added facts, the estate will be required to pay at once \$1,500 (Federal basic tax attributable to property other than the reversionary or remainder interest minus the credits of \$8,000 and \$500) and the additional Federal tax of \$92,000 (the additional Federal estate tax of \$95,000 attributable to property other than the reversionary or remainder interest minus the credit of \$3,000). An extension will be allowed for payment of \$4,000 (Federal basic tax of \$5,000 minus credit for State inheritance tax of \$1,000) and \$47,500 (the portion of the additional Federal tax attributable to the reversionary or remainder interest). After expiration of the four-year period, but before expiration of 60 days after termination of the precedent interest, the estate pays additional State estate, inher-itance, legacy or succession taxes of \$5,000 and foreign death tax of \$1,000 attributable to the reversionary or remainder interest.
As the maximum credit for both taxes is \$16,000, and \$12,500 has already been allowed, there will be an additional allowance of \$3,500 and the estate will be required to pay \$48,000 at the end of the extension period.

(D) By inserting in the first sentence of paragraph (b) (6) thereof immediately after "District of Columbia" the following: " or by any foreign country"

Par. 11. The second sentence of § 81.80 (f) is amended to read as follows: "An

extension of time to pay the deficiency may extend the period within which taxes allowed as a credit by section 813 (b) or (c) or section 936 (c) are required to be paid and the credit therefor claimed. (See § 81.9.)" Par. 12. Section 81.97 is amended by

striking therefrom the last sentence of paragraph (b) and inserting in lieu thereof the following: "If a refund is based upon the credit for payment of estate, inheritance, legacy, or succession taxes allowed by section 813 (b) or (c) or section 936 (c) (see § 81.9) the refund will be made without interest."

[F. R. Doc. 53-2179; Filed, Mar. 10, 1953; 8:48 a. m.1

# DEPARTMENT OF AGRICULTURE

## **Production and Marketing** Administration

#### 17 CFR Part 910 1

[AO 13 A-3]

FRESH VEGETABLES GROWN IN COUNTIES OF ALAMOSA, RIO GRANDE, CONEJOS, CO-STILLA, SAGUACHE, AND MINERAL IN COLO-

NOTICE OF HEARING WITH RESPECT TO PRO-POSED AMENDMENTS TO MARKETING AGREE-MENT AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.0 et seq.) notice is hereby given of a public hearing to be held at the Alamosa County Court House, Alamosa, Colorado, beginning at 9:00 a.m., m. s. t., March 30, 1953, with respect to proposed amendments to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, regulating the handling of fresh peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of the amended marketing agreement and order hereinafter set forth, or appropriate modification thereof.

The Administrative Committee, established pursuant to the amended marketing agreement and order, and growers and shippers of fresh peas and cauliflower produced in the proposed production area submitted, and requested a hearing on, the proposed amendments to the marketing agreement and order now ın effect.

#### DEFINITIONS

§ 910.1 Secretary. "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to act in his

- § 910.2 lAct. "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)
- § 910.3 Person. "Person" means an individual, partnership, corporation, association, or any other business unit.
- § 910.4 Production area. "Production area" means all territory included in the counties of Alamosa, Rio Grande, Conejos, Costilla, Mineral and Saguache in the State of Colorado.
- § 910.5 Vegetables. "Vegetables" means any one or more of the following agricultural commodities.
- § 910.6 Peas. "Peas" means all varieties of peas for sale for consumption in fresh form grown in the production area.
- § 910.7 Cauliflower "Cauliflower" means all varieties of cauliflower grown in the production area.
- § 910.10 *Producer* "Producer" means any person engaged in the production of vegetables for market.
- § 910.11 Processor "Processor" means any person who grades, packs or in any other way prepares vegetables for market.
- § 910.12 *Processing*. "Processing" means the preparation of vegetables for market.
- § 910.13 Handler. "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of vegetables owned by another person) who ships such vegetables.
- § 910.14 Ship or handle. "Ship or handle" means to sell, offer for transportation, or transport vegetables from any point within the production area to any point outside thereof.
- § 910.15 Fiscal period. "Fiscal period" means the period beginning on June 1 of each year and ending May 31 following.
- § 910.16 Committee. "Committee" means (a) the administrative committee or the San Luis Valley Vegetable Committee and (b) each marketing committee.
- § 910.17 Administrative committee. "Administrative committee" means the San Lius Valley Vegetable Committee established pursuant to § 910.25.
- § 910.18 Marketing committee. "Marketing committee" means each one of the commodity marketing committees established pursuant to § 910.25.
- § 910.19 Varieties. "Varieties" means, with respect to each of the vegetables, all classifications or subdivisions thereof according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.
- § 910.20 Pack. "Pack" means, with respect to each of the vegetables, a unit of the respective vegetables contained in a basket, hamper, bag, crate, or other type of container, and which falls within specific limits recommended by the ap-

propriate marketing committee and approved by the Secretary.

- § 910.21 Grade and size. "Grade" means any one of the officially established grades of vegetables, and "size" means any one of the officially established sizes of vegetables, as defined and set forth in:
- (a) United States Standards for Fresh Peas issued by the United States Department of Agriculture (14 F. R. 564), or amendments thereto, or modifications thereof, or variations based thereon;
- (b) United States Standards for Cauliflower issued by the United States Department of Agriculture (§ 51.171 of this title) or amendments thereto, or modifications thereof, or variations based thereon;
- (c) Standards for Fresh Peas or Cauliflower, issued by appropriate authorities in the State of Colorado, or amendments thereto, or modifications thereof, or variations based thereon.
- § 910.22 District. "District" means each one of the geographical divisions of the production area initially established pursuant to § 910.26 and as reestablished pursuant to § 910.29.
- § 910.23 Export. "Export" means shipment of vegetables beyond boundaries of Continental United States.

#### COMMITTEES

§ 910.25 Establishment. (a) The agencies for administering the terms and provisions of this part shall be the administrative committee, known as the San Luis Valley Vegetable Committee, and each of the following commodity marketing committees: (1) The Pea Marketing Committee; and (2) the Cauliflower Marketing Committee.

(b) Such agencies shall be selected in accordance with the methods set forth in §§ 910.27 to 910.33, inclusive. Each commodity marketing committee shall have sole responsibility and authority for recommending regulations pursuant to §§ 910.50 to 910.65, inclusive, for the commodity which its members represent. The San Luis Valley Vegetable Committee, whose members shall be selected from the commodity marketing committees, shall provide the staff and services for carrying out its, and each commodity marketing committee's powers and duties under this part.

§ 910.26 Districts. As a basis for selecting commodity marketing committee members the following districts of the production area are hereby initially established:

#### PEAS

District No. 1 shall consist of the counties of Conejos, Rio Grande, Mineral and Saguache;

District No. 2 shall consist of the counties of Alamosa and Costilla.

#### CAULIFLOWER

- District No. 1 shall consist of the county of Costilla;
- District No. 2 shall consist of the county of Conejos:
- District No. 3 shall consist of the counties of Alamosa, Mineral, Rio Grando and Saguache.

- § 910.27 Marketing committees. The following are the commodity marketing committees and their compositions, respectively:
- (a) The Pea Marketing Committee shall consist of 6 members, of whom 4 shall be selected from producers thereof and 2 shall be selected from handlers thereof. 3 producers shall be selected from District #1; 1 producer shall be selected from District #2. Handlers shall be selected at large from the production area.
- (b) The Cauliflower Marketing Committee shall consist of 6 members, of whom 4 shall be selected from producers thereof and 2 shall be selected from handlers thereof. 1 producer shall be selected from District #1, 1 producer shall be selected from District #2; and 2 producers shall be selected from District #3. Handlers shall be selected at large from the production area.
- § 910.28 Administrative committee. The members of the administrative committee shall be selected from among commodity marketing committees. Each marketing committee shall be represented on the administrative committee. The Secretary shall select 2 administrative committee members from the Pea Marketing Committee and 2 committee members from the Cauliflower Marketing Committee,
- § 910.29 Reestablishment. Joint meetings of commodity marketing committees may be called by the administrative committee to consider and to recommend reestablishment of such marketing committees or to reestablish districts within the production area, or both. Pursuant to consideration and to recommendations at such joint meeting or meetings, the administrative committee may recommend, and pursuant thereto the Secretary may approve, the number of such marketing committees. the number of members on each such marketing committee, the apportionment of such members among districts within each such area, and the reestablishment of districts within the production area: Provided, That in recommending any such changes in marketing committees or in districts, the administrative committee shall give consideration to: (a) The importance of new production in its relation to existing districts and to existing organization of marketing committees; (b) shifts in acreage of each commodity covered by this order during recent years within districts and within the production area; (c) changes in the relative position of marketing committees with respect to the acreage and production of the commodity they represent and such relationships to proposed districts: (d) economies for producers in promoting efficient administration, of this subpart; and (e) other relevant factors: Provided further, That such recommendations shall be made not later than 30 days prior to the end of a fiscal period. No such change may become effective later than 30 days following the opening of a fiscal period.
- § 910.30 Committee members and alternates. (a) A person may be a mem-

ber of more than one marketing committee: Provided, That such person is a producer or handler, as the case may be, of the commodity covered by such committee.

(b) For each member of each marketing committee and for each member of the administrative committee there shall be an alternate who shall have the same qualifications as the member. Persons selected as producer members or alternates of each marketing committee shall be individuals who are producers of such commodity in the respective district for which selected, or officers or employees of a corporate producer of such commodity in such district. Persons selected as handler members of a marketing committee shall be individuals who are handlers of such commodity in the production area, or officers or employees of such handlers of such commodity.

(c) An alternate member of a committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 910.31 Term of office. The term of office of members and alternates of the administrative committee shall be one year, and the term of office of members and alternates of each marketing committee shall be for two years, and until their successors are selected and have qualified: Provided, however, That the terms of office of members and alternates of each marketing committee shall be so determined that one-half of the total committee membership shall terminate at the end of each year. Members and alternates of the administrative committee shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified. The terms of office for members and alternates of the administrative committee members and of the marketing committees shall begin on

§ 910.32 Nomination. The Secretary may select the members of the committees, with their respective alternates. from nominations which may be made in the following manner:

June 1.

(a) The administrative committee shall hold or cause to be held prior to May 15 of each year, after the effective date of this subpart, a meeting or meetings of producers in each district and a meeting or meetings of handlers in the production area;

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies:

(c) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the marketing committees:

(d) Nominations for marketing committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than May 15 of each year:

(e) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates.

(f) Regardless of the number of districts in which a person produces vegetables, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: Provided, That in the event a person is engaged in producing vegetables in more than one district such person shall elect the district within which he may participate as aforesaid in designating nominees: Provided further That an eligible voter's privileges of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

8 910 33 Failure to nominate. nominations are not made within the time and in the manner specified in § 910:32 the Secretary may, without regard to nominations, select the marketing committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 910.27 to 910.29, inclusive.

§ 910.34 Acceptance. Any person selected as an administrative committee or as a marketing committee member or alternate shall qualify by filing a written acceptance with the Secretary.

§ 910.35 Vacancies. To fill committee vacancies, the Secretary may select members and alternates from unselected nominees on the current nominee list from the district involved, or from nommations made in the manner specified in § 910.32. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 910.27 to 910.29, inclusive.

§ 910.36 Procedure. (a) A majority of the members of the committees shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of each committee will be required to pass any motion or approve any committee action.

(b) The committees may provide for meeting by telephone, telegraph, or other means of communication and any vote cast\_at such a meeting shall be confirmed promptly in writing: Pro-vided, That if any assembled meeting is held, all votes shall be cast in person.

§ 910.37 Expenses and compensation. Committee members and alternates shall serve as such members and alternates without compensation, but they shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ 910.38 Powers. The administrative committee and each of the marketing committees shall have the following powers which may be necessary for each such committee to perform its functions in accordance with the provisions of this part:

(a) To administer the provisions of this part in accordance with its terms:

(b) To make rules and regulations to effectuate the terms and provisions of this part:

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 910.39 Duties. (a) It shall be the duty of the administrative committee:

(1) At the beginning of each fiscal year, to meet and organize, select from among its membership a chairman and such other officers as may be necessary to select subcommittees of administrative committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable:

(2) To act as intermediary between the Secretary and any producer or han-

(3) To furnish to the Secretary such available information as he may request; (4) To call joint meetings from time to time of the marketing committees.

(5) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(6) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to vegetables, and to engage in such research and service activities which relate to the handling or marketing of vegetables as may be

approved by the Secretary;
(7) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the administrative committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative:

(8) To make available to producers and handlers marketing committee voting records on recommended regulations and on other matters of policy.

(9) At the beginning of each fiscal year to prepare a budget of its expenses and assessments for such fiscal year, together with a report thereon;

(10) To recommend the rate of assessment to cover the expenses set forth in the budget.

(11) To cause the books of the administrative committee to be audited by a competent accountant at least once each fiscal period, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers; and

- (12) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper activities and objectives of such committees under this part.
- (b) It shall be the duty of each marketing committee:
- To nominate members and alternates for the administrative committee;
- (2) To recommend regulations pursuant to §§ 910.52 to 910.56, inclusive, which may be applicable to the handling of the respective vegetables for which such committees were established:
- (3) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of exemption pursuant to §§ 910.70 to 910.76, inclusive;
- (4) To act as intermediary between the Secretary and any producer or handler:
- (5) To select from among its membership a chairman, such other officers as may be necessary, and subcommittees; and
- (6) To adopt such rules and regulations for the conduct of its business as it may deem advisable.

# EXPENSES AND ASSESSMENTS

§ 910.42 Expenses. The administrative committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by such committee during each fiscal period for the maintenance and functioning of such committee and each commodity marketing committee, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period or such portion or portions thereof as the committee may recommend and the Secretary approve as a representative period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of vegetables handled by him as the first handler thereof during a representative period and the total quantity of vegetables handled by all handlers as first handlers thereof during such representative period.

§ 910.43. Budget. (a) At the beginning of each fiscal period and as may be necessary thereafter, the administrative committee shall prepare an estimated budget of income and expenditures necessary for the administrative committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The administrative committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

(b) Whenever the administrative committee finds that the rate of assessment for a representative period is insufficient to provide enough revenue to defray expenses for such period, it may present an amended budget to the Secretary and recommend that the rate of assessment should be increased to cover such expenses.

§ 910.44 Assessments. (a) The funds to cover such expenses shall be acquired

by the levying of assessments upon handlers as provided in this part. Each handler who processes or who first ships vegetables shall pay assessments to the administrative committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the administrative committee's recommendations and other available information. Such rates may be applied to common shipping units or their equivalent used in the production

(c) If the administrative committee recommends an increase in the rate of assessment for a representative period it shall present a budget to the Secretary showing the basis for its recommendations. The Secretary, if he determines that the rate of assessment for a representative period will not provide enough revenue to cover the administrative committee's expenses for such period, may increase the rate of assessment which handlers of vegetables during such representative period shall pay to the committee. Such increase in the rate of assessment shall be applicable to all vegetables which were regulated under this part and which were handled by first handlers thereof during such representative period.

§ 910.45 Accounting. (a) All funds received by the administrative committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the administrative committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate, of the administrative committee he shall account for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the administrative committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The administrative committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the administrative committee.

§ 910.46 Refunds. At the end of each fiscal period or other representative period used by the administrative committee as a basis for seasonal accounting, moneys arising from the excess of assess-

ments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a representative period shall be credited with such refund against the operations of the following representative period unless he demands payment thereof, in which event such proportionate refund shall be paid to him, or

(b) The Secretary, upon recommendation of the administrative committee, may determine that it is appropriate for the maintenance and functioning of such committee that some of the funds remaining at the end of a representative period which are in excess of the expenses necessary for administrative committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committees: Provided, That upon termination of this part any moneys in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected: Provided further, however That if the Secretary, upon recommendation of the Administrative committee, determines that the amounts so returnable to individual handlers are so small as to make impracticable the computation and remitting of such pro rata refund to such persons, such moneys may be used to defray the expenses of liquidation.

#### REGULATION

§ 910.50 Marketing policy—(a) Preparation. Prior to each season each marketing committee shall consider and prepare a proposed policy for the marketing of the commodity for which it has the authority to recommend regulations. In developing its marketing policy each marketing committee shall investigate relevant supply and demand conditions for its particular commodity. In such investigations each marketing committee shall give appropriate consideration to the following:

- (1) Market prices for such commodity, including prices by grade, size, and quality in different packs, or any other shipping unit:
- (2) Supply of such commodity by grade, size, and quality, in the production area and in other production areas;
- (3) The trend and level of consumer income:
- (4) Establishing and maintaining orderly marketing conditions for such commodities;
- (5) Orderly marketing of such commodities as will be in the public interest; and
  - (6) Other relevant factors.
- (b) Reports. (1) Each marketing committee shall submit to the Secretary a report setting forth the aforesaid marketing policy, and a copy of such report shall be made available to the administrative committee. Each marketing committee with the assistance of the administrative committee also shall no-

tify producers, handlers, and processors of the contents of such reports.

- (2) In the event it becomes advisable to deviate from such marketing policy, because of charged supply and demand conditions the respective marketing committee shall formulate a new marketing policy in accordance with the manner previously outlined. Such committee also shall submit a report thereon to the Secretary, also to the administrative committee, and notify, with the assistance of the administrative committee, producers, handlers, and processors of such revised or amended marketing policy.
- § 910.51 Recommendation for regulations. Each marketing committee shall recommend regulations to the Secretary whenever it finds that such regulation, as provided in § 910.52, will tend to effectuate the declared policy of the act. Each marketing committee also may recommend modification, suspension, or termination of any regulation in order to facilitate shipments of vegetables for the specified purposes set forth in § 910.53.
- § 910.52 Issuance of regulations. The Secretary shall limit the shipment of vegetables whenever he finds from the recommendations and information submitted by a marketing committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may include any or all of the following:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or qualities of any or all varieties of vegetables during

any period; or

(b) Regulate the shipment of particular grades, sizes, or qualities of vegetables differently, for different varieties, for different portions of the production area, for different packs, or any combination of the foregoing during any period; or

(c) Regulate the shipment of vegetables by establishing, in terms of grades, sizes or both, minimum standards of

quality and maturity or

(d) Prohibit unfair methods of competition and unfair trade practices in the packing and handling of vegetables;

- (e) Prohibit during any period the shipment of vegetables, or the preparation of such vegetables for market, or both, *Provided*, That such prohibition shall not exceed 96 hours: *Provided further*, That not less than 72 hours shall elapse from the termination of such period to the commencement of a subsequent period during which such preparation would be prohibited.
- § 910.53 Modification, supension or termination. Upon the basis of recommendations and information submitted by the committees, or other available information, the Secretary shall modify. suspend, or terminate regulations issued pursuant to §§ 910.44, 910.45, 910.52, 910.65, and this section, or any combination thereof, in order to facilitate shipments of vegetables for the following purposes

whenever he finds that it will tend to effectuate the declared policy of the act:

(a) For export;

- (b) For distribution by the Federal government;
- (c) For manufacture or conversion into specified products;

(d) For charity and

- (e) For other purposes which may be specified.
- § 910.54 Minimum quantity regulation. Each marketing committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 910.44, 910.45, 910.52, 910.53, 910.65, or any combination thereof.
- § 910.55 Notification of regulation. The Secretary shall notify marketing committees through the administrative committee of any regulations issued or of any modification, suspension, or termination thereof. Each marketing committee with the assistance of the administrative committee shall give reasonable notice thereof to producers, handlers, and processors.
- § 910.56 Safeguards. (a) The administrative committee upon recommendation of a marketing committee, and with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to §§ 910.53 and 910.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by such committee. Such safeguards may include requirements that:
- (1) Processors shall file applications with the committee to ship vegetables

pursuant to § 910.53;

- (2) Processors shall obtain inspection provided by § 910.65 or pay the pro rata share of expenses provided by § 910.44, or both, in connection with shipments effected under the provisions of § 910.53: Provided, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and
- (3) Processors shall obtain Certificates of Privilege from the administrative committee for shipments of vegetables effected or to be effected under the provisions of § 910.53.
- (b) The administrative committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that vegetables shipped by him for the purposes stated in § 910.53, were handled contrary to the provisions of this subpart.
- (c) The Secrétary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the administrative committee pursuant to the provisions of this section.
- (d) The administrative committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of veretables covered by such applica-

tions, the number of such applications denied and certificates granted, the quantity of vegetables shipped under duly issued certificates, and such other information as may be requested.

#### INSPECTION

§ 910.65 Inspection and certification,
(a) During any period in which shipments of vegetables are regulated pursuant to the provisions of §§ 910.44, 910.45 or 910.52, 910.53, or any combination thereof, no handler shall ship vegetables unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Service or such other inspection service as the Secretary shall designate, except when relieved from such requirement pursuant to §§ 910.53 and 910.54.

(b) Each handler procuring such inspection shall make arrangements with the inspecting agency to forward promptly to the administrative committee a copy of the inspection certificate.

(c) Regrading, resorting, or ropacking any lot of vegetables shall invalidate any prior inspection certificates in so far as the requirements of this section are concerned. No handler shall ship vegetables after such vegetables are regraded, resorted, repacked, or in any other way further processed or prepared for market unless each shipment of such vegetables is inspected as provided in this section.

(d) In so far as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by a marketing committee with the approval of the Secretary.

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# EXEMPTIONS

§ 910.70 Policy. Any producer whose vegetables have been adversely affected by acts beyond his control and who, by reason of any regulation issued pursuant to § 910.52, is prevented from shipping during the season or a specific portion thereof, as large a proportion of his crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the administrative committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 910.71. Rules and procedures. The administrative committee may adopt, upon the recommendation of a markéting committee, and with approval of the Secretary, the rules and procedures pursuant to which certificates of exemption will be issued.

§ 910.72 Marketing committee determinations. Each marketing committee, when making recommendations for rules and regulations relative to the issuance of certificates of exemption, shall:

(a) Determine the average proportion of production, which can be shipped by all producers in the production area for the season to be covered by the proposed rules and regulations;

(b) Determine the portion or portions of the production area constituting an immediate area or areas of production for prospective applicants;

- (c) Determine methods for establishing appropriate and equitable bases for comparisons between any producer's crop, or specific portions thereof, and the average proportion of production which may be shipped by all producers within any such producer's immediate shipping area during the entire season; and
- (d) Give reasonable notice through the administrative committee to producers, handlers, and other interested parties with respect to such determinations.
- § 910.73 Applications and issuance. The administrative committee shall issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's vegetables have been adversely affected by acts beyond the applicant's control;

(b) That by reason of regulations issued pursuant to § 910.52 an applicant will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season or a specific portion thereof;

(c) Each certificate shall permit the recipient thereof to ship the vegetables described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 910.74 Investigation. The administrative committee and the marketing committee serving the commodity which the applicant wishes to ship shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 910.75 Appeals. If any applicant for exemption certificates is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the proper marketing committee. Such an appeal must be taken promptly after the determination from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to such committee for a determination on the appeal. The marketing committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. Such marketing committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 910.76 Records. The administrative committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of vegetables covered by such exemption certificates, a record of the amount of vegetables shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the administrative committee upon request of the Secretary.

EFFECTIVE TIME AND TERMINATION

§ 910.80 Effective time. The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 910.81 Termination. (a) The Secretary may at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the

- (c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during the preceding fiscal period, have been engaged in the production for market of vegetables: Provided, That such majority has, during such fiscal period, produced for market more than fifty percent of the volume of such vegetables produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.
- (d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.
- § 910.82 Proceedings after termination. (a) Upon the termination of the provisions of this subpart, the then functioning members of the administrative committee shall continue as trustees for the purpose of liquidating the affairs of such committee of all the funds and property then in the possession of or under control of such committee including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the administrative committee and of the trustees, to such person as the Secretary may direct and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the administrative committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the administrative committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of such committee and upon the said trustees.

§ 910.83 Effect of termination or amendment. (a) Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regu-

lation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulations issued under this subpart or (3) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

(b) The persons who are members and alternates of the Administrative Committee established pursuant to Order No. 10, as amended, on the effective date of this subpart, shall continue in office under this subpart until their successors have been selected and have qualified; and all rules and regulations issued pursuant to Order No. 10, shall continue in effect until terminated in accordance with their present terms, or until medified, suspended, or terminated by the Secretary in accordance with the provisions of this subpart.

#### LUSCELLANEOUS PROVISIONS

§ 910.85 Reports. Upon the request of the administrative committee, with approval of the Secretary, every handler shall furnish to such committee, in such manner and at such time as may be prescribed, such information as will enable the administrative committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or resend any requests for reports pursuant to this section.

§ 910.86 Compliance. Except as provided in this subpart, no handler shall ship vegetables, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship vegetables except in conformity to the provisions of this subpart.

§ 910.87 Right of the Secretary. The members of the administrative committee and the members of the marketing committees (including successors and alternates) and any agent or employee appointed or employed by such committees, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of such committees shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 910.88 Duration of immunities. The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 910.89 Agents. The Secretary may, by designation in writing, name any person, including any officer or employee of

the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 910.90 Derogation. Nothing contained in this subpart is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 910.91 Personal liability. No member or alternate of the administrative committee nor any marketing committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 910.92 Separability. If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 910.93 Amendments. Amendments to this subpart may be proposed, from time to time, by the administrative committee, or by any marketing committee, or by the Secretary.

§ 910.94 Counterparts. This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute when taken together, one and the same instrument as if all signatures were contained in one original.<sup>1</sup>

§ 910.95 Additional parties. After the effective date of this subpart, any handler who has not previously executed this agreement may become a party to this subpart if a counterpart of this subpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary and benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.¹

§ 910.96 Order with marketing agreement. Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of vegetables in the same manner as as provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.<sup>1</sup>

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C., or from the Fruit and

Vegetable Branch, Room 549, New Custom House, Denver, Colorado, or may be there inspected.

Issued at Washington, D. C., this 5th day of March 1953.

[SEAL] ROY W LENNARTSON,
Assistant Administrator

[F. R. Doc. 53-2162; Filed, Mar. 10, 1953; 8:45 a. m.]

#### [7 CFR Part 946]

HANDLING OF MILK IN LOUISVILLE, KENTUCKY, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED
AMENDMENT TO TENTATIVE MARKETING
AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Louisville, Kentucky, on February 11–13, 1953, pursuant to notice thereof which was published in the Federal Register January 28, 1953 (18 F R. 603)

The material issues presented in the record of the hearing were whether:

- 1. The 44 cent emergency increase which was granted through February 1953 should be continued through March 1953.
- 2. The price of Class II milk should be decreased.
- 3. Immediate action is needed by the Secretary because of emergency conditions currently prevailing in the marketing of producer milk.

4. The volume of skim milk used to produce milk-solids-not-fat which are added to Class I products should be classified as Class I.

5. Provisions with respect to treatment of fluid milk, skim milk, and cream products held in inventory at the end of the month should be clarified.

6. Other source milk should be allocated to the class in which it was actually utilized by the handler.

7. The butter-cheese formula which is used as an alternative in determining the basic formula price should be replaced with a formula based on cheese prices at Wisconsin assembly points.

8. The price of Class I milk during the fall months should be increased.

9. The order provision requiring payment by a handler into the pool on non-federally regulated milk allocated to Class I should be deleted.

10. The maximum administrative assessment permitted should be increased from 2.5 to 3.0 cents per hundredweight.

Findings and conclusions. The following findings and conclusions on issues numbered 1, 2 and 3 are based upon the evidence introduced at the hearings and the record thereof. Findings and conclusions relating to issues numbered 4 through 10 will be included in a separate decision which will be issued at a later date.

1. The emergency increase of 44 cents in the Class I price differential granted

for the period September 1952 through February 1953 should not be extended through March. Milk production for the Louisville market is now running well ahead of last year and exceeds Class I sales by an adequate margin to insuro that all fluid needs will be met. There is no reason to believe that milk production will not continue to increase as the season advances. Findings and conclusions concerning issue number 2 of this decision set forth the supply situation in greater detail. Handlers are now alleging a serious burden exists in the disposition of Class II milk.

Proponents of the extension of the emergency price increase asserted that costs of production would still be high in March. Certain price and cost data were submitted to support this contention, and testimony was introduced to show that pasture feed ordinarily is not available in significant quantities until around the middle of April. It was alleged that the high costs together with lower prices for milk would jeopardize the financial position of farmers. Tho hearing record contains no evidence, however, to show that farmers generally are in a serious financial position that threatens their ability to keep supplying adequate milk to the market. There is no reason, therefore, to conclude that a return to the regular level of Class I differentials in March will fail to insure a sufficient quantity of pure and wholesome milk for the market, either immediately or as a delayed reaction to the price reduction.

2. Handlers should be allowed a credit on Class II butterfat used in the production of butter or American type cheese. This credit per pound of butterfat should be calculated on the basis of the difference between the Class II price and the average of the prices reported paid producers by the seven local milk manufacturing plants as calculated pursuant to \$946.51 (b) (1) of the order divided by 3.8.

A considerable amount of evidence was presented at the hearing by handlers of Class II milk to show that substantial losses are now being incurred in the handling of such milk. Some of the butter and cheese manufacturing plants in the Louisville area which normally accept surplus milk have discontinued purchasing any milk except that received from their own producers. Other plants are accepting limited quantities of milk, but at prices well below the Class II prices fixed under the order.

One handler with no processing facilities of his own testified he had actively sought outlets for his surplus milk, and found buyers disinterested except at prices which made it impossible for him to meet his direct costs on such milk. It was necessary for him to sell at least part of his milk at a price estimated to be about 42 cents per hundred pounds below the Class II price. In addition to this loss, he had to meet the expense of receiving and cooling the milk, and hauling it 40 to 50 miles to the plants where it was sold.

Several handlers who have processing facilities of their own testified that they were losing money making butter, cheese, and non-fat dry milk solids

<sup>&</sup>lt;sup>2</sup> Applicable only to the proposed marketing agreement.

even though they allocated only direct costs to the manufacture of these products. Some butter plants are buying excess cream but are paying for it at rates substantially less in relation to the Class II price than they customarily pay.

At least a portion of the losses incurred by handlers were the result of distressed marketing conditions. Most makers of butter and cheese in the Louisville area are experiencing difficulty in disposing of their products through regular channels. Handlers under the order contend that they and other processors to whom they may divert milk do not handle sufficient quantities of product to enable them to market their product efficiently to the government under the price support program.

Difficulties in marketing Class II milk are aggravated by the increased production of both graded and ungraded milk. In January, the average production per day per producer was about 3 percent ahead of last year and the number of producers increased to 2,144 in January 1953 from 2,013 in the same month a year ago. Handlers testified that this rate of increased production continued into the first few days of February. January Class I sales, on the other hand, increased just 5.3 percent over the previous year. Production of ungraded milk in the Louisville area experienced a comparable increase compared to a year ago. As a result, the volume of milk available for manufacture in the area is greater than usual at this time of the year. Local markets for Class II milk which absorb most of the surplus at this season in other years are more than supplied.

The present Class II pricing provision of the order provides a decrease in the Class II price beginning April 1, as the supplies of Class II milk become larger in relation to the local outlets available, for such milk. This year, however, the earlier development of surpluses, coupled with a somewhat distressed market for manufactured products, makes it necessary that Class II prices be decreased earlier, and somewhat further than the order now provides.

This decrease is considered necessary, however, only with respect to milk the butterfat of which is used in the manufacture of butter or American type cheese. These are the products for which handlers found the greatest distress markets, and they are the products which resulted in losses to the handlers producing the same. These are likewise the products which absorb the surplus above the more or less usual sales of products marketed locally, such as cottage cheese and ice cream. No evidence was presented as to why the Class II price should be reduced with respect to products other than butter or cheese.

The emergency butterfat credit to handlers allowed under the amendment herein provided should be continued through the months of greatest production. The record indicates that May is ordinarily the month of largest production in the Louisville area. The month of June is also a month of large production, and it is concluded that the allowance herein provided should be continued through that month in order to facilitate

the disposition of excess milk when such milk is in largest supply. The credit provided under this amendment is extended therefore through the month of June. This will carry through the months of greatest production and allow time for further consideration of additional changes in the order if such are required.

Where milk or cream is transferred or diverted to an unregulated plan the use of producer milk should be considered to have been established if an equivalent amount of butterfat was used at the plant during the month in the production of butter or American type cheese.

3. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exception thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Dalay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective.

General findings. (a) The tentative marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area in the manner set forth in the attached amending order, as amended, is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, he published in the Fideral Rightster. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 6th day of March 1953.

[SEAL] EZRA TAFT BUNSON, Secretary of Agriculture.

Order<sup>1</sup> Amending the Order as Amended, Regulating the Handling of Mill: in the Louwville, Kentucky, Marketing Area

§ 946.0 Findings and determinations. The findings and determinations heremafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect

<sup>&</sup>lt;sup>2</sup>This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

- 1. In § 946.70 add a new paragraph to read as follows:
- (e) From the effective date hereof through June 1953 deduct for each pound of butterfat in producer milk which was allocated to Class II pursuant to § 946.46 and which was either used in the production of butter or American type cheeses or assigned to such products pursuant to § 946.44 an amount obtained by dividing by 3.8 that amount by which the Class II price exceeds the price calculated pursuant to § 946.51 (b) (1)

[F. R. Doc. 53-2188; Filed, Mar. 10, 1953; 8:52 a. m.]

# [7 CFR Part 988]

HANDLING OF MILK IN KNOXVILLE, TENNESSEE, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MAR-KETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Knoxville, Tennessee, on February 16 and 17, 1953, pursuant to notice thereof which was issued on February 11, 1953 (18 F R. 846) upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee marketing area.

Preliminary statement. The proposed amendments upon which the hearing was held were submitted by the Knox-ville Milk Producers' Association and certain Knoxville milk handlers. The material issues of record were concerned with:

(1) A modification of the method of pricing certain Class II milk products;

(2) A modification in the method of computing the uniform prices for excess milk under the base and excess plan;

(3) A revision of the definition of base milk:

(4) The inclusion of a provision requiring the Market Administrator to furnish to the producers' association a report showing the percentage classification in each class of milk received from association members by each handler:

(5) A redesignation of inventory variation as Class I milk, rather than Class II milk:

(6) The need for immediate action by the Secretary because of emergency conditions surrounding the marketing of producer milk in certain Class II uses,

Findings and conclusions. The following findings and conclusions on issues nos. 1, 2, and 6, are based upon the evidence introduced at the hearing and the record thereof. Findings and conclusions with respect to issues nos. 3 through 5 are being temporarily deferred for further consideration and study and to permit the issuance of a recommended decision and an opportunity for interested parties to file exceptions.

1. Unusual marketing conditions for milk used for manufacturing purposes in the Knoxville marketing area make it necessary to alter the pricing provisions of the order.

Under Order 88, the Class II price is the average of the prices paid farmers for milk by nine manufacturing plants located in Tennessee and neighboring states. The class II butterfat differential applied for each one-tenth percent variation from 4.0 percent fat, is derived by multiplying the price of 92-score butter on the Chicago market by 0.115.

Evidence in the hearing record indicates that under existing conditions much of the Class II milk will not yield returns to handlers which are comparable to the Class II price as now provided by the order. It is necessary, therefore, that lower prices be provided for milk in certain uses in order to promote the orderly flow of milk from producers' farms to milk plants.

Total receipts of milk from producers during the last two months of 1952 and January 1953 averaged 11.6 percent above the corresponding period a year ago, whereas gross Class I sales declined slightly. In comparison with most markets the proportion of the total receipts of milk which has been devoted to Class II utilization in the Knoxville market is low. The amount of milk that can be utilized through handlers' manufacturing facilities is extremely small. Any increase in the quantity of milk which must be devoted to manufacturing uses results in a disposal problem because of the limited manufacturing facilities. In fact a large proportion of the handlers are engaged exclusively in fluid milk operations. The Class II milk operations are limited to a few handlers who make cottage cheese and ice cream. Among the handlers, as well as the nonhandlers located in Knoxville who engage in the manufacture of ice cream, only one has limited condensing facilities to build up the solids content of milk required for ice cream manufacture. Relatively small quantities of producer milk, therefore, can be used by ice cream manufacturers.

Receipts of producer milk classified as Class II milk during November and December 1952, and January 1953, were nearly three times as great as for the corresponding periods in each of the previous two years. Under normal weather conditions, it is expected that the quantity of milk which must be devoted to manufacturing uses during the coming spring and summer will continue at a relatively high level. During the past two years most of the seasonal reserve milk was moved to nearby manufacturing plants and producers received the regular Class II prices. During this period handlers accepted and disposed of all milk producers offered for sale. A manufacturing plant located near the Knoxville production area, which previously had offered an outlet for excess milk, recently discontinued purchasing any milk except that received directly from their regular dairy farmers. This company has notified producers and handlers in the Knoxville market that it is unlikely that it will be in a position to handle any reserve milk from this market during the coming flush production season. Other alternative outlets for whole milk are more than 200 miles from Knoxville. The record indicates that these plants will not handle any additional milk prior to April and handlers testified that no commitments of any kind could be obtained for the balance of the flush production season. This appears to be an abnormal condition brought about by an unusually high rate of winter and early spring production on the part of ungraded producers. At the present time, a creamory located in Knoxville affords the only available outlet for a major portion of the excess milk from this market. This plant purchases only cream and has no facilities for handling whole milk. In order for producer milk to be marketed through this outlet, it must first be received by handlers and separated into cream and skim milk. Because of the lack of condensing and drying facilities. a major portion of this skim milk must be dumped. Relatively small quantities may be disposed of for livestock feed.

Although handlers have not yet refused to receive producer milk at the time of the hearing, they have requested that the cooperative association transfer producers and make some provisions for disposing of so-called distress milk. Handlers testified that losses were in-curred in handling excess milk in January and February. The producers' association has been unable to find other outlets to which whole milk could be diverted. Normally all producer milk is delivered directly from the farms to handlers' plants in the marketing area. No receiving or manufacturing facilities are maintained, nor are there any available for use by the association for receiving and processing the milk delivered by its members.

Both producers and handlers proposed that the order be amended to provide that milk used to produce butter and milk transferred to non-fluid milk plants and used to produce certain manufactured darry products, be priced lower than the regular Class II prices under the order.

Individual handlers argued that they should receive an allowance equal to their costs of receiving and handling milk. Testimony of these handlers showed that their estimates of cost of receiving and handling milk varies widely. Some of the charges which were allocated to the cost for receiving and handling the socalled distress milk should be considered as regular costs involved in conducting their Class I milk operations. It is recognized that handlers need the full output of producer milk during the short production season to meet their Class I sales. Handlers, therefore, have some responsibility for handling seasonal reserves and should not expect so-called distress milk to contribute its proportionate share of the total cost of receiving and handling their entire supply of producer milk. However, in view of the conditions currently existing in the market and in order to provide an outlet for the total production of producers, some allowances must be made to handlers for the disposition of so-called distress milk during the coming flush production season. On the basis of the past seasonal pattern in the relationship of producer milk receipts to fluid sales, it is concluded that the provision for such an allowance should extend through August 1953.

The testimony shows that the current prices paid by the local creamery for butterfat contained in cream is equal to 115 percent of the price of 90-score butter in the Chicago market. Both handlers and producers testified that fat contained in producer milk used to produce butter should be priced on this basis. less an appropriate allowance for receiving, separating, and handling of the milk and cream. It is concluded that the proposed method of pricing should be adopted and that an allowance of 35 cents per hundredweight should be provided on such milk. The butterfat differential applicable to such milk should be calculated by dividing the price so computed by 40. Handlers testified that no allowance is necessary on butterfat derived from milk, the skim milk of which is disposed of in Class I milk or other Class II uses. For these reasons, the lower price should be limited to milk, which is used to produce butter and the skim milk from which is dumped or disposed of as livestock feed. If other manufacturing outlets should become available later for whole milk at prices somewhat higher than can be derived from butter, provision should be made to devote milk to such uses. This should be accomplished by providing for an allowance of 20 cents per hundredweight from the regular Class II price on whole milk which is received by handlers and transferred to nonfluid milk plants. In order for handlers to receive this 20 cent allowance such plants must use at least an equivalent amount of skim milk and butterfat in the manufacture of evaporated or condensed milk and cheese. Provision should be made for the same allowance to be received by a cooperative association in its capacity as a handler, with respect to milk which may be diverted for the account of the association. In view of the fact that manufacturing plants, which may later offer alternative outlets for distress whole milk, are lo-

cated at varying distances from Knoxville, the record shows a transportation allowance of \$0.00187 per mile per hundredweight, but not to exceed \$0.35 should be allowed on milk transferred to such plants.

The reduction in handlers' obligations which result from the price changes provided herein, should be reflected to producers during the base operating period first in blend prices for excess milk (§ 988.72 (d)). No reduction should be made in the base price unless the quantity of milk to which the lower price applies exceeds that contained in excess milk. This will continue the practice of allocating the value of milk sold for manufacturing purposes to the excess milk and preserve first priority on Class I sales for base milk.

It was proposed that the order be amended to provide a more permanent pricing arrangement for so-called distress milk. There appears to be no practical method of defining distress milk. As previously indicated, seasonal reserve milk was moved to nearby manufacturing plants during the past two years and producers received the regular Class II prices. The present problem of disposing of reserve supplies of milk, is related to unusual production conditions and situations peculiar to the manufacturing milk industry.

More permanent changes in the pricing of Class II milk would have to be considered in conjunction with a re-exammation at a public hearing of the entire pricing mechanism of the order. Consideration would need to be given to the long term influences of the pricing provisions in promoting the appropriate level of Grade-A milk production in relation to fluid milk requirements and to market facilities. For these reasons no other changes in the pricing of Class II milk should be made at this time.

2. The due and timely execution of the function of the Secretary under the act, imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator of Production and Marketing Administration and the opportunity for exceptions thereto on issues herein considered.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision and exceptions thereto, would make such relief ineffec-The propriety of omitting the tive. recommended decision and opportunity for filing exceptions thereto, with respect to the issues decided herein, was indicated on the record by interested parties.

General findings. (a) The tentative marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:

(b) The parity prices of mill: as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect

market supply of and demand for milk in the marketing area, and the minmaum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1952, is hereby determined to be the representative period for the purpose of ascertaming whether the issuance of an order amending the order as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area in the manner set forth in the attached amending order, as amended, is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, "Marketing Agreement Regulating the Handling of Mill: in the Knoxville, Tennessee, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Mill: in the Knoxville, Tennessee, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of pratcice and procedure, as amended, governing proceedings to formulate marketing agreements orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, he published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 6th day of March 1953.

[SEAL] EZRA TAFT BEISON, Secretary of Agriculture.

Order <sup>1</sup> Amending the Order, as Amended, Regulating the Handling of Mill: in the Knoxville, Tennessee, Marketing Area

§ 930.0 Findings and determinations. The findings and determinations here-inafter set forth are supplementary and in addition to the findings and determi-

<sup>\*</sup>This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met

nations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Knoxville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Add the following proviso to § 988.51 (b) "Provided, That during the delivery periods from the effective date hereof through August 1953 the price per hundredweight for all milk received at a fluid milk plant and transferred as milk to a non-fluid milk plant, for condensing or for cheese utilization, or diverted direct from the farm to such outlets by a cooperative association, shall be the price computed above less 20 cents and an allowance of \$0.00187 per hundredweight for each mile of such distance, by shortest highway route, between the City Hall at Knoxville, Tennessee, and the non-fluid milk plant but not to exceed 35 cents: And provided further That the price per hundredweight of all milk, used to produce butter, and the skim milk of which is dumped or disposed of for livestock feed, during such delivery periods, shall be computed as follows: Multiply by 4.0 the arithmetical average of daily wholesale prices per pound of 90-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, add 15 percent thereof, and then deduct 35 cents."

2. Delete the period at the end of § 988.52 (b) and add the following proviso: "Provided, That during the delivery periods from the effective date hereof through August 1953 the butterfat differential to handlers on all milk used to produce butter during such delivery periods, shall be calculated by dividing the price computed for such use as set forth in § 988.51 (b) by 40."

3. Delete § 988.72 (d) and substitute therefor the following:

(d) Compute the value on a 4.0 percent butterfat basis of the aggregate quantity of excess milk for all handlers included in the computation pursuant to paragraph (a) of this section by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in such computation by the applicable prices for such Class II milk of 4.0 percent butterfat content beginning in series with the lowest price for Class II milk of 4.0 percent butterfat content; multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts:

[F. R. Doc. 53-2187; Filed, Mar. 10, 1953; 8:51 a. m.]

### DEPARTMENT OF LABOR

Division of Public Contracts

[ 41 CFR Part 201 1

CONTRACTS FOR CERTAIN CANNED FRUITS
AND VEGETABLES

EXCEPTION FROM PROVISIONS OF WALSH-HEALEY PUBLIC CONTRACTS ACT

In accordance with § 201.601 of the Walsh-Healey Public Contracts Act regulations (41 CFR 201.601), the Secretary of the Army has made written findings that the conduct of Government business will be seriously impaired by the inclusion of the representations and stipula-

tions of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35) in contracts awarded on or before December 31, 1953, for canned fruits and vegetables of the following varieties:

Apples.
Applesauce.
Applesauce.
Apricots.
Asparagus.
Beans, lima.
Beans, string.
Berries.
Carrots.
Catsup, tomato.
Cherries, sour.
Cherries, sweet.
Corn, cream style.
Corn, whole grain.
Figs.
Fruit cocktail.
Grapefruit.

Juice, citrus.
Juice, grape.
Juice, pineapple.
Peas, green.
Peaches.
Pears.
Pineapple.
Piums (prunes).
Potatoes, sweet.
Pumpkin.
Puree, tomato.
Sauce, cranberry.
Spinach.
Tomatoes,
Tomato juice.
Tomato pasto.

Pursuant to section 6 of the Walsh-Healey Public Contracts Act, and, upon the basis of this finding, the Scoretary of Labor has been requested by the Scoretary of the Army to grant an exemption from the provisions of section 1 of the act permitting the award of contracts for the above varieties of canned fruits and vegetables during the calendar year 1953 without inclusion of the representations and stipulations of that section.

Notice is hereby given of a public hearing on this matter before the Administrator of the Public Contracts Division or his authorized representative at 10:00 a.m. on Wednesday, March 25, 1953, in Room 5406, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., at which interested persons may appear and submit data, views and arguments either in support of or in opposition to this proposal. Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. Persons appearing at the hearing will be afforded an opportunity to file, within 7 days from the close of the hearing, briefs relating to the issues raised at the hearing.

Signed at Washington, D. C., this 6th day of March 1953.

MARTIN P DURKIN, Secretary of Labor

[F. R. Doc. 53-2178; Filed, Mar. 10, 1953; 8:48 a. m.]

# **NOTICES**

# DEPARTMENT OF THE INTERIOR

**Bureau of Land Management** 

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 36, WYOMING NO. 7, REDUCED

March 3, 1953.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in § 2.22 (a) (1) of Order No, 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the order of the Assistant Secretary of the Interior of September 13, 1918, establishing Stock Driveway Withdrawal No. 36, Wyoming No. 7, under section 10 of the act of December 29, 1916 (30 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 11 W. Sec. 6, SE14,5E14, Sac. 7, NE1/4NE1/4.

The areas described aggregate 80 acres.

The lands are primarily suitable for grazing purposes.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such types of application, or shall be classified upon consideration for application.

The following described land is included in a Federal exchange program whereby other private land will be acquired through exchange to provide continuity in the stock driveway and will not be subject to disposition under other public land laws.

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 111 W. Sec. 6: SE¼SE¼.

This order shall not otherwise become effective to change the status of such lands until 10:00 a.m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) Ninety-one day period for preference-right filings. For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U.S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U.S. C. 279-284) as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a.m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a.m. on the said 35th day shall be considered in the order of filing.

(b) Date for non-preference-right filings. Commencing at 10:00 a.m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a.m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day.

All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Cheyenne Land and Survey Office, Cheyenne, Wyo-mng, shall be acted upon in ac-cordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170. inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively; of that title.

Inquiries concerning these lands shall be addressed to Cheyenne Land and Survey Office, Cheyenne, Wyoming.

> ALBIN D. MOLOHON, Regional Administrator.

[F. R. Doc. 53-2184; Filed, Mar. 10, 1953; 8:49 a. m.]

## DEPARTMENT OF STATE

[Public Notice 124]

RESIDENT COMMISSIONER OF PUERTO RICO TO THE UNITED STATES

Pursuant to section 36 of the act of March 2, 1917, as amended (48 U.S. C. 891) which provides that upon presentation, through the Department of State, of a certificate of election of the Governor of Puerto Rico that a Resident Commissioner to the United States has been chosen, he shall be entitled to receive official recognition as such Commissioner by all of the departments of the Government of the United States, notice is hereby given that there has been presented a certificate of election of the Governor of Puerto Rico specifying that the qualified electors of Puerto Rico have chosen Antonio Fernós Isern as Resident Commissioner to the United States.

Issued: March 5, 1953.

For the Secretary of State.

THURSTON B. MORTON. Assistant Secretary of State for Congressional Relations.

[F. R. Doc. 53-2174; Filed, Mar. 10, 1953; 8:47 a. m.]

# DEPARTMENT OF COMMERCE

#### Federal Maritime Board

PACIFIC TRANSPORT LINES, INC., AND HILO NAVIGATION CO.

NOTICE OF CANCELLATION OF AGREEMENT

Notice is hereby given that the Board by order February 26, 1953, approved the cancellation of the following described agreement pursuant to section 15 of the Shipping Act, 1916, as amended:

(1) Agreement No. 7776 between Pacliic Transport Lines, Inc., and Hilo Navigation Company provided for the transportation of cargo under through bills of lading between United States Pacific Coast ports and ports in the Hawaiian Islands, with transshipment at Honolulu, T. H.

Interested parties may obtain copies of this agreement at the Regulation Office, Federal Maritime Board, Wash-

ington, D. C.

Dated: March 6, 1953.

By order of the Federal Maritime Board.

[SEAL]

A. J. WILLIAMS. Secretary.

[F. R. Doc. 53-2189; Filed, Mar. 10, 1953; 8:52 a. m.]

Meliber Lines of New York Committee OF INWARD FAR EAST LINES AND PACIFIC COAST/MEXICO FREIGHT CONFERENCE

NOTICE OF AGREELIENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 5500-5, between the Member Lines of the New York Committee of Inward Far East Lines, modifles the basic agreement of that Committee (No. 5500) by deleting Ceylon from the trade covered by the agreement. Agreement 5500 authorizes the New York Committee of Inward Far East Lines or sub-committee thereof to make rules and regulations with respect to discharge and delivery of cargo from Japan, China, Manchuria, Philippine Islands, Malayan Union and Colony of Singapore, Indonesia, Ceylon, Siam, and French Indo-China to U.S. Atlantic and Gulf ports, provided such rules and/or regulations do not conflict with those made by applicable conferences.

(2) Agreement No. 7570-5 between the Member Lines of the Pacific Coast/ Mexico Freight Conference modifies the basic agreement of that Conference to provide for a more flexible voting method as the membership of this Conference increases. Agreement No. 7570 covers the establishment, regulation, and maintenance of agreed rates, charges, and practices for or in connection with the transportation of all merchandise, except green coffee northward, in the trade between Pacific Coast ports of the United States and Canada and ports on the Pacific Coast of Mexico.

Interested parties may inspect these agreements and obtain copies thereof 1406 **NOTICES** 

at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the Federal Register. written statements with reference toeither of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 6, 1953.

By order of the Federal Maritime Board.

[SEAL]

A. J. WILLIAMS, Secretary.

[F. R. Doc. 53-2190; Filed, Mar. 10, 1953; 8:53 a. m.]

# Office of International Trade

[Case No. 144]

WILLIAM F MURPHY, SR., ET AL.

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of William F Murphy, Sr., Harwil & Co., a partnership, 50 Broad Street, New York, New York; Arthur Gilbert, % Pine Plans Lumber Company, Pine Plans, Columbia County, Route 3, New York, also: 67-23 182d Street, Flushing, Queens, Long Island, New York; Rex Rayon. Corp., 40 East 19th Street, New York 3, New York, also: % Arthur Gilbert, 67-23 182d Street, Flushing, Queens, Long Island, New York; Bertram Hollander, Esq., 401 Broadway, New York 13, New York; Israel David (Davis) 511 State Street, Long Beach, New York; Rex Continental Corporation, % Bertram Hollander, Esq., 401 Broadway, New York 13, New York; Eugene David Pulpimpex Co., 805 Mc-Eachran Avenue, Montreal, Canada, Case No. 144. Quebec.

This proceeding was initiated on July 25, 1952, by a letter issued by the Director of the Investigation Staff of the Office of International Trade, addressed to and served upon the above-named respondents, charging them with having violated the Export Control Act of 1949, and regulations issued thereunder. The letter contained five numbered charges, the first against all the respondents heremabove named, and the other four charges against separate groups, each of

seven of said respondents.

The first two charges relate to the exportation without a validated license, required under the circumstances, of 1,000 tons of bleached sulphite dissolving wood pulp from the United States to Canada, intending that it be re-exported to Italy, and to false representations in the shipper's export declarations filed in connection with this shipment to Canada. This shipment, made in October 1951, was at a time when this type of wood pulp, used primarily for making rayon, was in very short supply in the United States and throughout the world. United States export quotas were very small, and there was a ceiling price on sales in the United States. However, foreign demand was great, and prices much higher than United States ceiling prices were being offered.

The scheme to make exorbitant profits by violating United States price and export controls apparently was conceived and instigated by Israel David, commonly known and hereinafter referred to as Davis. It was to sell the pulp at world prices for delivery from Canada, buy the pulp in United States at ceiling prices, ship it to Canada without a license under false declarations that Canada was the country of ultimate destination, and obtaın Canadian export permits on false representations that the pulp was of Canadian origin. The scheme worked out until efforts were made to obtain the Canadian export permits. There it failed because of the vigilance of the Canadian officials licensing wood pulp.

Thereafter various efforts were made by respondents, individually or in groups. to obtain Canadian export permits for the pulp in Canada, or obtain approval of the Office of International Trade for the exportation of that pulp from Can-.ada, and to obtain licenses from the Office of International Trade for the exportation from the United States of other lots totalling 1,247 tons. The attempted transactions were contemporaneous, and some were in conflict with others. Apparently Davis, devising numerous schemes to dispose of the pulp, instructed separate groups of his associates to carry out different plans, concealing from each group the activities of the others, and making secret promises to each of shares in the prospective profits, hoping that some of the attempts would succeed.

In these efforts, further false statements and representations were made by the above-named respondents, giving rise to the other three charges. Specifically, the charges made and the respondents named in each are as follows:

All respondents were named in Charge 1 as having, during October 1951, made or caused to be made an exportation of 1,000 tons of bleached sulphite dissolving wood pulp from the United States to Canada with knowledge and intention that said wood pulp would be re-exported from Canada to Italy, when no general license had been established or validated license granted by the Office of International Trade, authorizing the exportation of said wood pulp to Italy as the country of ultimate destination, contrary to § 370.3 (15 CFR Part 370) of

the export control regulations.

Respondents William F. Murphy, Sr., Harwil & Co., Arthur Gilbert, Rex Rayon Corp., Bertram Hollander, Israel David (Davis) and Rex Continental Corporation were named in Charge 2 as having, during October 1951, made or caused to be made false representations and statements to the Department of Commerce in four shipper's export declarations. filed with a United States Collector of Customs in connection with the exportation of said 1,000 tons of wood pulp from the United States to Canada. Said declarations falsely stated that the purchaser or ultimate consignee of said wood pulp was a named consignee in Quebec. P Q., Canada, and that the ultimate destination of said wood pulp was Montreal, Canada, although said respondents then knew and intended that said wood pulp would be re-exported from Canada to purchasers or ultimate consignees other than said named consignee in Italy as the country of ultimate destination.

Respondents William F Murphy, Sr., Harwil & Co., Bertram Hollander, Israel David (Davis) Rex Continental Corporation, Eugene David, and Pulpimpex Co. were named in Charge 3 with having, in November 1951, made or caused to be made false representations and statements to the Office of International Trade in a letter dated November 23, 1951, signed Pulpimpex Co., by Eugene David, for the purpose of inducing the Office of International Trade to approve the re-exportation of said 1,000 tons of wood pulp from Canada to another foreign destination.

Respondents Bertram Hollander, Israel David (Davis), Rex Continental Corporation, William F Murphy, Sr., Harwil & Co., Arthur Gilbert, and Rex Rayon Corp. were named in Charge 4 as having, in December 1951, made or caused to be made false representations and statements to the Office of International Trade for the purpose of inducing the Office of International Trade to approve of the re-exportation of said 1,000 tons of wood pulp from Canada to another foreign destination. Said false representations and statements were contained in (a) a letter dated December 20, 1951, signed Rex Continental Corporation, by Bertram Hollander, President, and addressed to the Office of International Trade, and (b) photostatic copies of (i) shipper's export declarations, (ii) order from Pulpimpex to Rex Rayon Corp., and (iii) Form M-A Invoice of Goods for Entry in Canada.

Respondents William F Murphy, Sr., Harwil & Co., Arthur Gilbert, Rex Rayon Corp., Bertram Hollander, Israel David (Davis) and Rex Continental Corporation were named in Charge 5 with having, during January, February, and March, 1952, made or caused to be made false representations and statements to the Office of International Trade for the purpose of inducing the Office of International Trade to approve of the re-ex-portation of said 1,000 tons of wood pulp from Canada to another foreign destination, and of inducing the Office of International Trade to issue a validated license authorizing exportation of an additional 1,247 tons of wood pulp from the United States to Brazil. Said falso representations and statements were contained in the following described documents: (a) Affidavit of William F. Murphy, Sr., sworn to on January 31, 1952, with attached photostatic copies of (i) letter from Rex Continental Corporation, by Bertram Hollander, to Harwil & Co., dated January 29, 1952; (ii) release dated October, 1951, from Rex Rayon Corp., by Arthur Gilbert, to Harwil & Co., (iii) release dated October, 1951, from Harwil & Co., by William F Murphy, Sr., to Rex Rayon Corp; (iv) Form M-A Invoice of Goods for Entry in Canada, bearing date of December 26, 1951, (v) letter dated January 23, 1952. from another respondent not herein named to Harwil & Co., and (vi) letter dated January 28, 1952, from said other respondent to Harwil & Co. (b) Statement by William F Murphy, Sr., dated February 4, 1952. (c) Statement of William F. Murphy, Sr. dated February

18, 1952. (d) Letter of appeal filed by Harwil & Co., by William F. Murphy, Sr., with the Department of Commerce Appeals Board, dated March 27, 1952.

The false representations and statements referred to in Charges 2, 3, 4, and 5 are stated to be contrary to §§ 381.1 and 382.1 (15 CFR Parts 381, 382) of the export control regulations, and Title 18, section 1001, of the United States Code. They are further specified as being with respect to (a) the identity of the true intented ultimate consignees of the 1,000 tons of wood pulp which was exported from the United States to Canada; (b) the true intended ultimate destination or destinations of said 1,000 tons of wood pulp; (c) the true relationships of the various respondents to, and their true financial and other interests in, the transaction or transactions involving said 1,000 tons of wood pulp; (d) the actual knowledge, intent, and participations of the various respondents in relation to the exportation of said 1,000 tons of wood pulp from the United States to Canada and the attempted re-exportation of said wood pulp from Canada to another foreign destination or destinations; and (e) the true financial and other interests of the various respondents in the exportation of the additional 1,247 tons of wood pulp from the United States to Brazil.

All the above-named respondents, except Israel David (Davis) Eugene David, and Pulpimpex Co., filed written answers denying or substantially denying the charges or requested an oral hearing. Thereafter, pursuant to notice served on all the respondents, the hearing was set at 9:30 a.m., October 6, 1952, in Room 522, U. S. Customhouse, Battery Place, New York City, New York. It was convened at that time, continued until 5:30 p. m., October 10, when it was adjourned until 9:30 a. m., October 27, and then continued until concluded at 1:00 p. m., October 31.

William F Murphy, Sr., appeared individually and as a representative of Harwil & Co., and by counsel, George M. Klein, Esq. Bertram Hollander, Esq., appeared individually and as a representative of Rex Continental Corporation, but only at the initial session of the hearing. The other above-named respondents did not appear in person or by counsel. Theodore L. Thau, Esq., appeared as counsel for the Director of the Investigation Staff of the Office of International Trade,

Before proceeding with the introduction of evidence, counsel for the Government noted and filed as a part of the record of this proceeding an order in this case dated April 17, 1952, temporarily denying license privileges to respondents Murphy and Harwil & Co., various interim orders and letters pertaining thereto, and the final order dated July 29, 1952, extending the temporary suspension order until final determination of this compliance proceeding.

Witnesses then were sworn and examined, and 157 exhibits were admitted in evidence from all parties.

On the ninth day, at the conclusion of the Government's case-in-chief, respondents Murphy and Harwil & Co. and the Government presented a joint pro-

posal for a consent order as against such respondents, upon the terms and conditions hereinafter set forth in this order.

The proposal for consent order was taken under advisement by the Compliance Commissioner and the proceeding, concluded as to respondents Murphy and Harwil & Co., continued as to the others.

After the conclusion of the hearing, the transcript of the hearing was made available to the respondents, and no bill of exception was filed.

The Compliance Commissioner, on January 13, 1953, filed his report to the Assistant Director for Export Supply.

#### FINDINGS AND CONCLUSIONS

After carefully reviewing and considering the charging letter, the written answers of the several respondents, the oral and documentary evidence submitted and oral arguments made by counsel, the proposal for a consent order as to respondents Murphy and Harwil & Co., and the report of the Compliance Commissioner, it appears that the Compliance Commissioner's findings are in accordance with the evidence, and it is concluded that the recommendations of the Compliance Commissioner are reasonable, and that they should be adopted, with the exception noted below as to respondent Israel David (Davis).

William F Murphy, Sr., and Harwil & Co. It appears from the record and the Compliance Commissioner's report, that William F. Murphy, Sr., is the senior and controlling member of Harwil & Co., a partnership consisting of William F. Murphy, Sr., his brother, Harold J. Murphy, and his son, William F. Murphy, Jr., and that William F. Murphy, Sr., is a stockholder, director, and presented the Gallie Corporation, which is a freight forwarder, chartering and insurance broker, and air express agent.

It also appears, on the basis of the evidence for and against these respondents Murphy and Harwil & Co. introduced in the Government's case-inchief, that the proposal for a consent order against them is fair and just. Although concessions are made, in regard to the Gallie Corporation and the right to file applications relating to the reexportation from Canada or the exportation from the United States of the wood pulp now held by them, it appears that the terms of the proposal are not too lenient in view of the denial of other license privileges for three years. On the other hand, because of the evidence that they knowingly and repeatedly violated the export control regulations, the terms do not appear to be too severe.

Murphy and Harwil & Co. ordered the exportation and otherwise directly and actively participated with Davis, Hollander, Gilbert, and other respondents, in the exportation of 1,000 tons of bleached sulphite dissolving wood pulp from United States to Canada, knowing the wood pulp was "Made in U. S. A." knowing and intending that the wood pulp would be re-exported from Canada to Italy, knowing no general license had been established or validated license issued therefor, and knowing that a validated license granted by the Office of International Trade authorizing the exportation to Italy as the country of ulti-

mate destination was required by the export control regulations.

It also appears that respondents Murphy and Harwil & Co. directly and actively participated with Davis, Hollander, Gilbert, and other respondents, in the preparation and filing of the 4 shipper's export declarations, knowing that the named consignee in Quebec, P. Q., Canada, or any other person in Canada who might have been named by Davis. was not the purchaser or ultimate consignee of the wood pulp, knowing that Montreal, Canada, was not the ultimate destination of said wood pulp, and knowing and intending that said wood pulp would be re-exported from Canada to other purchasers or ultimate consignees in Italy as the country of ultimate destination.

From the record and the Compliance Commissioner's report it appears that respondents Murphy and Harwil & Co. dld not directly and actively participate in, and were in no way responsible for, the preparation and filing of the letter dated November 23, 1951, signed Pulpimpex Co., by Eugene David, the false representations in which were the basis of Charge 3.

From Murphy's own admissions, other evidence in the record, and the Compliance Commissioner's report, it appears that Murphy and Harwil & Co. directly and actively participated with Davis, Hollander, Gilbert, and other respondents, in the preparation and filing of the letter dated December 20, 1951, signed Rex Continental Corporation, by Bertram Hollander, President, in addition to making it possible to attach the photostatic copies of the 4 shipper's export declarations and the Form M-A customs invoice, and knew many of the statements in said letter are untrue. Although Murphy said he did not see this letter or any draft of it, he admitted that he discussed it with Hollander and his representative, and Murphy certainly linew its purpose and content or he would not have agreed to pay Arthur Gilbert \$11,000 to release the copies of the export declarations.

From Murphy's own admissions, other evidence in the record, and the Compliance Commissioner's report, it appears that many of the statements in Murphy's affidavit of January 31, 1952, and the exhibits attached thereto for which Davis, Gilbert, and Hollander were responsible, and in the other written statements made by Murphy, specified in Charge 5 and paragraph 6 of the charging letter, are untrue.

It appears, therefore, that Charges 1, 2, 4, and 5 have been fully established against Murphy and Harwil & Co., and that they, and each of them, have violated the Export Control Act of 1949, §§ 370.3, 381.1, and 382.1 (15 CFR Parts 370, 381, 382) of the export control regulations, and Title 18, section 1001, of the United States Code

United States Code.

Furthermore, although repeatedly professing to be ready and willing to tell the whole truth, Murphy continued again and again to grossly misrepresent material facts. It must be concluded, therefore, that he is untrustworthy, and that export license privileges should be denied to him and Harwil & Co. for a

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period of three years, subject to prior termination of export controls.

Israel David (Davis) Arthur Gilbert, Rex Rayon Corp., Bertram Hollander, and Rex Continental Corporation. Davis, Hollander, and Rex Continental are named in all the charges, and Gilbert and Rex Rayon are named in Charges 1, 2, 4, and 5.

From the record and the Compliance Commissioner's report it appears that, in the transactions involved in this case, Davis acted individually, as a vice-president of Rex Continental Corporation, and as a secret partner of Gilbert, Hollander, and Murphy. Gilbert acted individually, as president and treasurer of Rex Rayon Corp., as an officer of Rex Continental (at an early stage) and as a secret partner of Davis. Hollander acted individually, as president of Rex Continental Corporation, and as a secret partner of Davis. The two corporations were organized under the laws of New York.

It also appears that all of these respondents were directly and actively engaged in the pulp transactions from the beginning until the end, though there was a break between Davis and Gilbert at one time and neither Gilbert nor Rex Rayon were involved by the evidence in the making and filing of the letter of November 23, 1951, signed Pulpimpex Co., by Eugene David. All directly and actively participated in the exportation to Canada, the preparation and filing of the export declarations, and the preparation and filing of the Pulpimpex and Rex Continental letters and the Murphy statements, or exhibits attached thereto, and were responsible for some or all of the violations mentioned in each of the charges (except Gilbert and Rex Rayon as to Charge 3)

However, there appears to be a marked difference in the degree of culpability between Davis and the other four. Apparently Davis conceived and instigated the schemes through which he hoped to make exorbitant profits by violating the United States export control and price regulations, and it was he who induced the pulp manufacturers to sell him a large quantity of pulp, induced Murphy to finance the deals, and induced Gilbert, Rex Rayon, Hollander, and Rex Continental, as well as the others involved in the fraudulent acts, to aid him, by making secret promises of substantial shares in prospective profits. There has been no accounting of the \$112,500, obtained from Murphy in addition to the purchase price of the pulp, but it is reasonable to infer that Davis benefited while he victimized the other respondents except his brother, Eugene David, and another relative. For these reasons it appears that the restrictions upon Davis should be more severe than those upon Gilbert, Rex Rayon, Hollander, and Rex

Continental.
It appears, therefore, that Charges 1, 2, 3, 4, and 5 have been fully established against Davis, Hollander, and Rex Continental, that Charges 1, 2, 4, and 5 have been fully established against Gilbert and Rex Rayon, and that all of these respondents, and each of them, have violated the Export Control Act of 1949, §§ 370.3, 381.1, and 382.1 (15 CFR Parts

370, 381, 382) of the export control regulations, and Title 18, section 1001, of the United States Code.

It further appearing that all of these respondents knowingly and repeatedly violated these laws and regulations, it must be concluded that they are so untrustworthy that exceptionally severe restrictions should be imposed upon them in connection with export license privileges. From the evidence as to Davis' character, reputation, and business practices, there is no reason to believe he ever would respect and comply with the export control law and regulations. The Compliance Commissioner recommended denial of export license privileges for a period of ten years, subject to prior termination of such controls. In our opinion, however, even more severe restrictions should be imposed, i. e., denial of export license privileges for the duration of export controls. As to Hollander. Rex Continental, Gilbert, and Rex Rayon, similar conclusions are Warranted, except for the degree of culpability. In their cases the Compliance Commissioner recommended denial of export license privileges for a period of five years, subject to prior termination of such controls. This recommendation appears reasonable and just by comparison with restrictions to be imposed on Davis and other respondents.

Eugene David and Pulpimpex Co. These respondents are named in Charges 1 and 3, relating to the exportation of the 1,000 tons of wood pulp to Canada, and the preparation and filing of the pulpimpex letter of November 23, 1951.

It appears from the record and the report of the Compliance Commissioner that Eugene David, brother of Israel David (Davis), resided in Montreal, Canada, and by agreement with Davis registered Pulpimpex Co. in Montreal as the firm name under which he (David) would conduct business for Davis, Hollander, and Rex Continental, as an importer and exporter.

It also appears that David signed the Pulpimpex letter, prepared by Davis and Hollander, and willingly did or signed other things Davis or Hollander asked him to do. Although he took no direct part in the exportation of the wood pulp to Canada, David took an active part in planning the exportation to Canada, and agreed to the shipment of the wood pulp to Pulpimpex. The wood pulp was not shipped to Pulpimpex, but only because Murphy refused to let it get out of his control. However, in the meantime, David registered the firm name of Pulpımpex Co., and as soon as difficulties were encountered in getting Canadian export permits he aided Davis in engaging freight forwarders to handle the shipment.

It, therefore, appears that Charges 1 and 3 have been fully established against David and Pulpimpex, and that these respondents, and each of them, have violated the Export Control Act of ,1949, §§ 370.3, 381.1, and 382.1 (15 CFR Parts 370, 381, 382) of the export control regulations, and Title 18, section 1001, of the United States Code.

It also appears that, although David and Pulpimpex were only obedient tools of Davis and Hollander, their willingness

to serve in any way they could in carrying out the unlawful transactions establishes beyond any doubt their unworthiness to be trusted with export licenso privileges. It, therefore, appears fair and just to impose the same restrictions upon them as upon Hollander, Rex Continental, Gilbert, and Rex Rayon, and deny license privileges to David and Pulpimpex for a period of five years, subject to prior termination of export controls.

Now, therefore, it is ordered, That:
1. With respect to respondents William F. Murphy, Sr., and Harwil & Co., and in accordance with the proposal for consent order made by them:

(a) Respondents are hereby denied and declared ineligible to exercise the privileges of obtaining or using export licenses, including validated and general export licenses, for the exportation of any commodity from the United States to any foreign destination, and of exporting any commodity to Canada, for a period of three (3) years from the date of this order, or for the duration of United States export controls, whichever period is shorter, except as to any validated licenses issued under the provisions of subparagraph (d) of this paragraph. Such denial of export privileges is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (i) as a party, or as a representative of a party, to any exportation under validated or general export licenses; and (ii) in the financing. forwarding, transporting, or other serv-icing of exports from the United States pursuant to any validated or general export licenses, except that the Gallio Corporation, of which William F Murphy, Sr., is a stockholder, director, and officer, shall not be denied, for any period provided in this order, the privileges of acting as a freight forwarder or forwarding agent for persons, firms, and corporations, other than those with which William F. Murphy, Sr., and Harwil & Co. are, or may hereafter be, related by ownership or control or otherwise, and except that William F Murphy, Sr., will not be denied the privilege of acting as a stockholder, director, or officer of the Gallie Corporation, while it shall be engaged in such forwarding business for

(b) Such denial of export privileges shall extend not only to William F. Murphy, Sr., and Harwil & Co., but also to any person, firm, corporation, or business organization with which said respondents may be now or hereafter related by ownership or control in the conduct of trade involving exports from the United States under validated and general export licenses, or services connected therewith, except as to the Gallio Corporation as specified in subparagraph (a) of this paragraph.

(c) No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States, under validated and general export licenses, to or for the respondent, or any person, firm, corporation, or business organization covered by

subparagraph (b) of this paragraph, without prior disclosure of such facts to, and specific authorization from, the Office of International Trade.

(d) In the event that William F Murphy, Sr., or Harwil & Co. shall file with the Office of International Trade an application for validated licenses to export from the United States the 1,247 tons of wood pulp presently in the United States, or any part thereof, and shall apply to the Office of International Trade for the giving of approval to the Canadian Government for the issuance of a Canadian export permit as to the 1,000 tons of wood pulp in Montreal, Canada, the Office of International Trade will give most serious consideration to such application or applications and requests for approval, considering the then export quota situation, if any, that exists, and the consignee or consignees, and the end use or end uses, and the country of destination or destinations, and the export price, and will issue such validated licenses and give such approval if in its judgment the circumstances then existıng warrant it.

2. With respect to Israel David (Davis) Arthur Gilbert, Rex Rayon Corp., Bertram Hollander, Rex Continental Corporation, Eugene David, and Pülpimpex Co..

(a) All outstanding validated licenses held by or issued in the name of these respondents, or any of them, are hereby revoked and shall forwith be returned to the Office of International Trade for cancellation.

(b) Israel David (Davis) is hereby denied and declared ineligible to exercise the privileges of obtaining or using export licenses; including validated and general export licenses, for the exportation of any commodity from the United States to any foreign destination, and of exporting any commodity to Canada, for the duration of United States export controls. Arthur Gilbert, Rex Rayon Corp., Bertram Hollander, Rex Continental Corporation, Eugene David, and Pulpimpex Co. are hereby denied and declared ineligible to exercise the privileges of obtaining or using export licenses, including validated and general export licenses, for the exportation of any commodity from the United States to any foreign destination, and of exporting any commodity to Canada, for a period of five (5) years from the date of this order, or for the duration of United States export controls, whichever period is shorter. Such denials of export privileges are deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (i) as a party, or as a representative of a party, to any exportation under validated or general export licenses; and (ii) in the financing. forwarding, transporting, or other servicing of exports from the United States pursuant to any validated or general export license.

(c) Such denials of export privileges shall extend not only to the respondents named in this paragraph 2, but also to any person, firm, corporation, or business organization with which said respondents may be now or hereafter related by ownership or control in the conduct of trade involving exports from

the United States under validated and general export licenses, or services connected therewith.

(d) No person, firm, corporation, or other business organization shall knowngly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States, under validated and general export licenses, to or for the respondents, or any person, firm, corporation, or other business organization covered by subparagraph (c) of this paragraph, without prior disclosure of such facts to, and specific authorization from, the Office of International Trade.

Dated: March 6, 1953.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 53-2173; Filed, Mar. 10, 1953; 8:47 a. m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10119, 10120, 10121, 10320]

ATLANTIC CITY BROADCASTING CO. ET AL.

NOTICE OF FURTHER HEARING

In re applications of Leroy Bremmer and Dorothy Bremmer d/b as Atlantic City Broadcasting Company, Atlantic City, New Jersey, Docket No. 10119, File No. BP-8090; Herbert Michels, Albert Spiro and John J. Farina, d/b as Garden State Broadcasting Company, Atlantic City, New Jersey, Docket No. 10120, File No. BP-8112; Press-Union Publishing Company, Atlantic City, New Jersey, Docket No. 10121, File No. BP-8143; Max Leon, Inc. (WDAS) Philadelphia, Pennsylvania, Docket No. 10320, File No. BP-8508; for construction permits.

Notice is hereby given that a further hearing in the above-entitled proceeding will be held in the offices of the Federal Communications Commission, Washington, D. C., at 9:00 o'clock a. m., on Thursday, March 12, 1953.

Federal Communications
Commission,
[Seal] T. J. Slowie,
Secretary.

MARCH 2, 1953.

[F. R. Doc. 53-2181; Filed, Mar. 10, 1953; 8:48 a. m.]

[Docket No. 10405]

DIAMOND H, RANCH BROADCASTERS (KDIA)

ORDER CONTINUING HEARING

In re application of Charles E. Halstead, tr/as Diamond H. Ranch Broadcasters (KDIA), Auburn, California, Docket No. 10405, File No. BR-2544; for renewal of license.

The Commission having under consideration a petition filed February 17, 1953, by the Chief, Broadcast Bureau, for a continuance from March 2, 1953, to April 22, 1953, of the hearing in the above-entitled proceeding; and

It appearing, that no opposition to a grant of the above petition has been filed with this Commission to date;

It is ordered, This 25th day of February 1953, that the petition is granted; and the hearing in the above-entitled proceeding is continued to April 22, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,

Secretary.

[F. R. Doc. 53-2189; Filed, Mar. 10, 1953; 8:48 a. m.]

# SECURITIES AND EXCHANGE COMMISSION

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC. AND WILLIAM A. SPANIER

NOTICE OF TIME FOR FILING WRITTEN REQUEST FOR HEARING

In the matter of the application of National Association of Securities Dealers, Inc. on behalf of a member firm for approval of the firm's continuance in membership in the association with William A. Spanier as a controlled person.

At a regular session of the Securities and Exchange Comission held at its office in the city of Washington, D. C. on

the 4th day of March 1953.

The National Association of Securities Dealers, Inc., a registered securities association (hereinafter referred to as the Association) has filed with this Commission, on behalf of a member, an application for approval of the firm's continuance in membership in the Association with William A. Spanier as an employee and controlled person thereof, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934.

The application and exhibits attached thereto set forth in substance,

the following information:

1. William A. Spanier has been employed since March 1952, by said member, a registered broker and dealer and a member of the Association in District No. 8, having its principal office in Chicago, Illinois.

2. The Commission, by order dated May 28, 1952, revoked the broker-dealer registration of Bennett, Spanier & Co., Inc., and expelled it from membership in the Association pursuant to section 15 (b) and section 15A (l) (2) of the Securities Exchange Act of 1934, respectively. William A. Spanier was the president and a director of Bennett, Spanier & Co., The

3. The District Committee for District No. 8 and the Board of Governors of the Association has considered this application and have reviewed the prior proceedings relating to William A. Spanier. Upon consideration of all the facts, including the representations as to the type of activity to be engaged in by William A. Spanier as an employee and controlled person of said member and the extent of the supervision which said member will exercise over his activities. they have concluded that William A. Spanier should be permitted to engage in the securities business as an employee and controlled person of said member

and that said member should be continued in membership in the Association. They are of the belief that the continuance of said member in membership in the Association with William A. Spanier as an employee and registered representative thereof would be consonant with the stated purposes and policies of section 15A of the Securities Exchange Act of 1934 and have recommended approval of this application.

Under the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934, as amended, and sections 2 of Article I of the Association's By-Laws, said member may not be continued in membership in the Association so long as William A. Spanier is employed by said member, except with the approval or at the direction of the Securities and Exchange Commission based upon a finding that such approval or direction is appropriate in the public interest.

Notice is hereby given that any interested person may informally present his views or any information relating to this matter by communicating with the Secretary of the Commission or with Thomas B. Hart. Administrator of the Commission's Chicago Regional Office, Room 630, Bankers Building, 105 West Adams Street, Chicago 3, Illinois, on or before April 13, 1953, and that within the same time any person desiring that a formal hearing be held may file with the Secretary of the Commission a written request to that effect, together with a brief statement of the nature of his interest in the proceeding and the position which he proposes to take. In the absence of such a request by any person having a bona fide interest in the proceedings, the Commission will either set the matter down for hearing on its own motion after appropriate notice or, if it should appear appropriate so to do, will determine the application on the basis of the record and without formal hearing.

This notice shall be served on said member and the Association not less than fifteen (15) days prior to April 13. 1953, and published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act not later than fifteen (15) days prior to April 13, 1953.

By the Commission.

[SEAL]

ORVAL L. DUBOIS. Secretary.

[F. R. Doc. 53-2176; Filed, Mar. 10, 1953; 8:47 a. m.]

[File No. 70-3002]

MISSISSIPPI POWER & LIGHT CO.

ORDER REGARDING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS SUBJECT TO RESERVATION

March 5, 1953.

Mississippi Power & Light Company ("Mississippi") an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed a declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act")

particularly sections 6 (a) and 7 thereof and Rule U-50 thereunder, regarding the following proposed transactions which are more fully set forth in the declaration, as amended:

Mississippi proposes to issue and sell \$12,000,000 principal amount of First Mortgage Bonds, \_\_ percent Series, due 1983, to be issued under the company's Mortgage and Deed of Trust dated as of September 1, 1944, to Irving Trust Company and Frederick G. Herbst, as Trustees, as heretofore supplemented, and as to be supplemented by a Fourth Supplemental Indenture to be dated as of March 1, 1953.

The coupon rate of the bonds (which shall be a multiple of 1/8 of 1 percent) and the price (exclusive of accrued interest) to be paid to the company for the bonds (which shall be not less than the principal amount thereof and not more than 10234 percent of such principal amount) are to be fixed at competitive bidding in accordance with Rule U-50 of the rules and regulations promulgated under the

The declaration states that the proceeds from the proposed sale of bonds are to be used to finance, in part, the construction program of Mississippi, which, declarant estimates will require expenditures of \$23,000,000 in 1953 and \$6,800,000 m 1954.

Said declaration having been filed on February 11, 1953, an amendment thereto having been filed on March 2, 1953, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission observing no basis for adverse findings, and deeming it appropriate to permit said declaration to become effective without the imposition of terms or conditions other than those set forth below.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions contained in Rule U-24 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the following conditions and reservations:

- 1. The proposed issuance and sale of bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered by the Commission in the light of the record as so completed; and
- 2. That jurisdiction be, and the same hereby is, reserved with respect to the payment of fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL]

ORVAL L. DUBOIS. Secretary.

8:47 a. m.1

# INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27860]

IRON AND STEEL ARTICLES FROM CINCIN-NATI, OHIO, TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

MARCH 6, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1258, pursuant to fourth-section order No. 16101.

Commodities involved: Iron and steel articles, carloads.

From: Cincinnati, Ohio.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Acting Secretary.

[F. R. Doc. 53-2168; Filed, Mar. 10, 1953; 8:46 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 9-A] ANN ARBOR RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 9, and good cause

appearing therefor: It is ordered, That:
(a) Taylor's I. C. C. Order No. 9 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 9:00 a. m., March 5, 1953.

It is further ordered. That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., March 5, 1953.

> INTERSTATE COMMERCE COMMISSION. CHARLES W TAYLOR, Agent.

[F. R. Doc. 53-2175; Filed, Mar. 10, 1953; [F. R. Doc. 53-2172; Filed, Mar. 10, 1953; 8:47 a. m.]